

1 DIVISION H—DEPARTMENT OF STATE, FOR-
2 EIGN OPERATIONS, AND RELATED PRO-
3 GRAMS APPROPRIATIONS ACT, 2009

4 TITLE I

5 DEPARTMENT OF STATE AND RELATED
6 AGENCY

7 DEPARTMENT OF STATE

8 ADMINISTRATION OF FOREIGN AFFAIRS

9 DIPLOMATIC AND CONSULAR PROGRAMS

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of the Department of State
12 and the Foreign Service not otherwise provided for,
13 \$5,360,318,000, of which \$1,117,000,000 is for World-
14 wide Security Protection (to remain available until ex-
15 pended), to be allocated as follows:

16 (1) HUMAN RESOURCES.—For necessary ex-
17 penses for training, human resources management,
18 and salaries, including employment without regard
19 to civil service and classification laws of persons on
20 a temporary basis (not to exceed \$700,000), as au-
21 thorized by section 801 of the United States Infor-
22 mation and Educational Exchange Act of 1948,
23 \$2,118,598,000 to remain available until September
24 30, 2010, of which not less than \$130,637,000 shall
25 be available only for public diplomacy American sal-
26 aries.

1 (2) OVERSEAS PROGRAMS.—For necessary ex-
2 penses for the regional bureaus of the Department
3 of State and overseas activities as authorized by law,
4 \$1,548,617,000, to remain available until September
5 30, 2010, of which not less than \$264,169,000 shall
6 be available only for public diplomacy international
7 information programs.

8 (3) DIPLOMATIC POLICY AND SUPPORT.—For
9 necessary expenses for the functional bureaus of the
10 Department of State including representation to cer-
11 tain international organizations in which the United
12 States participates pursuant to treaties ratified pur-
13 suant to the advice and consent of the Senate or
14 specific Acts of Congress, general administration,
15 and arms control, nonproliferation and disarmament
16 activities as authorized, \$585,078,000, to remain
17 available until September 30, 2010.

18 (4) SECURITY PROGRAMS.—For necessary ex-
19 penses for security activities, \$1,108,025,000, to re-
20 main available until September 30, 2010.

21 (5) FEES AND PAYMENTS COLLECTED.—In ad-
22 dition to amounts otherwise made available under
23 this heading—

24 (A) not to exceed \$1,605,150 shall be de-
25 rived from fees collected from other executive

1 agencies for lease or use of facilities located at
2 the International Center in accordance with sec-
3 tion 4 of the International Center Act, and, in
4 addition, as authorized by section 5 of such
5 Act, \$490,000, to be derived from the reserve
6 authorized by that section, to be used for the
7 purposes set out in that section;

8 (B) as authorized by section 810 of the
9 United States Information and Educational Ex-
10 change Act, not to exceed \$6,000,000, to re-
11 main available until expended, may be credited
12 to this appropriation from fees or other pay-
13 ments received from English teaching, library,
14 motion pictures, and publication programs and
15 from fees from educational advising and coun-
16 seling and exchange visitor programs; and

17 (C) not to exceed \$15,000, which shall be
18 derived from reimbursements, surcharges and
19 fees for use of Blair House facilities.

20 (6) TRANSFER AND REPROGRAMMING.—

21 (A) Notwithstanding any provision of this
22 Act, funds may be reprogrammed within and
23 between subsections under this heading subject
24 to section 7015 of this Act.

1 (B) Of the amount made available under
2 this heading, not to exceed \$10,000,000 may be
3 transferred to, and merged with, funds made
4 available by this Act under the heading “Emer-
5 gencies in the Diplomatic and Consular Serv-
6 ice”, to be available only for emergency evacu-
7 ations and rewards, as authorized.

8 (C) Funds appropriated under this heading
9 are available for acquisition by exchange or pur-
10 chase of passenger motor vehicles as authorized
11 by law and, pursuant to 31 U.S.C. 1108(g), for
12 the field examination of programs and activities
13 in the United States funded from any account
14 contained in this title.

15 CIVILIAN STABILIZATION INITIATIVE

16 For necessary expenses to establish, support, main-
17 tain, mobilize, and deploy a civilian response corps in co-
18 ordination with the United States Agency for Inter-
19 national Development, and for related reconstruction and
20 stabilization assistance to prevent or respond to conflict
21 or civil strife in foreign countries or regions, or to enable
22 transition from such strife, \$45,000,000, to remain avail-
23 able until expended: *Provided*, That up to \$23,014,000
24 may be made available in fiscal year 2009 to provide ad-
25 ministrative expenses for the Office of the Coordinator for
26 Reconstruction and Stabilization: *Provided further*, That

1 notwithstanding any other provision of law and following
2 consultation with the Committees on Appropriations, the
3 President may exercise transfer authorities contained in
4 the Foreign Assistance Act of 1961 for reconstruction and
5 stabilization assistance managed by the Office of the Coor-
6 dinator for Reconstruction and Stabilization, United
7 States Department of State, only to support an actively
8 deployed civilian response corps, subject to the regular no-
9 tification procedures of the Committees on Appropria-
10 tions: *Provided further*, That not later than 60 days after
11 enactment of this Act, the Secretary of State and the Ad-
12 ministrator of the United States Agency for International
13 Development shall submit a coordinated joint spending
14 plan for funds made available under this heading and
15 under the heading "Civilian Stabilization Initiative" in
16 title II of this Act.

17 CAPITAL INVESTMENT FUND

18 For necessary expenses of the Capital Investment
19 Fund, \$71,000,000, to remain available until expended,
20 as authorized: *Provided*, That section 135(e) of Public
21 Law 103-236 shall not apply to funds available under this
22 heading.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General, \$37,000,000, notwithstanding section 209(a)(1)

1 of the Foreign Service Act of 1980 (Public Law 96-465),
2 as it relates to post inspections.

3 EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

4 For expenses of educational and cultural exchange
5 programs, as authorized, \$538,000,000, to remain avail-
6 able until expended: *Provided*, That not to exceed
7 \$5,000,000, to remain available until expended, may be
8 credited to this appropriation from fees or other payments
9 received from or in connection with English teaching, edu-
10 cational advising and counseling programs, and exchange
11 visitor programs as authorized.

12 REPRESENTATION ALLOWANCES

13 For representation allowances as authorized,
14 \$8,175,000.

15 PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

16 For expenses, not otherwise provided, to enable the
17 Secretary of State to provide for extraordinary protective
18 services, as authorized, \$22,814,000, to remain available
19 until September 30, 2010.

20 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

21 For necessary expenses for carrying out the Foreign
22 Service Buildings Act of 1926 (22 U.S.C. 292-303), pre-
23 serving, maintaining, repairing, and planning for buildings
24 that are owned or directly leased by the Department of
25 State, renovating, in addition to funds otherwise available,
26 the Harry S Truman Building, and carrying out the Dip-

1 lomatic Security Construction Program as authorized,
2 \$801,344,000, to remain available until expended as au-
3 thorized, of which not to exceed \$25,000 may be used for
4 domestic and overseas representation as authorized: *Pro-*
5 *vided*, That none of the funds appropriated in this para-
6 graph shall be available for acquisition of furniture, fur-
7 nishings, or generators for other departments and agen-
8 cies.

9 In addition, for the costs of worldwide security up-
10 grades, acquisition, and construction as authorized,
11 \$770,000,000, to remain available until expended: *Pro-*
12 *vided*, That funds made available by this paragraph may
13 not be obligated until a plan is submitted to the Commit-
14 tees on Appropriations with the proposed allocation of
15 funds made available by this Act and by proceeds of sales
16 for all projects in fiscal year 2009: *Provided further*, That
17 the Under Secretary for Management, United States De-
18 partment of State, shall consult with the Committees on
19 Appropriations on a regular and ongoing basis on the de-
20 sign of any proposed self-financed New Embassy Com-
21 pound.

22 In addition, for necessary expenses for overseas facil-
23 ity construction and related costs for the United States
24 Agency for International Development, pursuant to sec-

1 tion 667 of the Foreign Assistance Act of 1961,
2 \$135,225,000, to remain available until expended.

3 EMERGENCIES IN THE DIPLOMATIC AND CONSULAR
4 SERVICE
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses to enable the Secretary of
7 State to meet unforeseen emergencies arising in the Diplo-
8 matic and Consular Service, \$9,000,000, to remain avail-
9 able until expended as authorized, of which not to exceed
10 \$1,000,000 may be transferred to, and merged with, funds
11 appropriated by this Act under the heading "Repatriation
12 Loans Program Account", subject to the same terms and
13 conditions.

14 BUYING POWER MAINTENANCE ACCOUNT

15 To offset adverse fluctuations in foreign currency ex-
16 change rates and/or overseas wage and price changes, as
17 authorized by section 24(b) of the State Department Basic
18 Authorities Act of 1956 (22 U.S.C. 2696(b)), \$5,000,000,
19 to remain available until expended.

20 REPATRIATION LOANS PROGRAM ACCOUNT

21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of direct loans, \$678,000, as authorized:
23 *Provided*, That such costs, including the cost of modifying
24 such loans, shall be as defined in section 502 of the Con-
25 gressional Budget Act of 1974.

1 emergency, as far in advance as is practicable) of any
2 United Nations action to increase funding for any United
3 Nations program without identifying an offsetting de-
4 crease elsewhere in the United Nations budget: *Provided*
5 *further*, That any payment of arrearages under this title
6 shall be directed toward activities that are mutually agreed
7 upon by the United States and the respective international
8 organization: *Provided further*, That none of the funds ap-
9 propriated in this paragraph shall be available for a
10 United States contribution to an international organiza-
11 tion for the United States share of interest costs made
12 known to the United States Government by such organiza-
13 tion for loans incurred on or after October 1, 1984,
14 through external borrowings.

15 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

16 ACTIVITIES

17 For necessary expenses to pay assessed and other ex-
18 penses of international peacekeeping activities directed to
19 the maintenance or restoration of international peace and
20 security, \$1,517,000,000, of which 15 percent shall re-
21 main available until September 30, 2010: *Provided*, That
22 none of the funds made available by this Act shall be obli-
23 gated or expended for any new or expanded United Na-
24 tions peacekeeping mission unless, at least 15 days in ad-
25 vance of voting for the new or expanded mission in the
26 United Nations Security Council (or in an emergency as

1 far in advance as is practicable): (1) the Committees on
2 Appropriations are notified of the estimated cost and
3 length of the mission, the national interest that will be
4 served, and the planned exit strategy; (2) the Committees
5 on Appropriations are notified that the United Nations
6 has taken appropriate measures to prevent United Nations
7 employees, contractor personnel, and peacekeeping forces
8 serving in any United Nations peacekeeping mission from
9 trafficking in persons, exploiting victims of trafficking, or
10 committing acts of illegal sexual exploitation, and to hold
11 accountable individuals who engage in such acts while par-
12 ticipating in the peacekeeping mission, including the pros-
13 ecution in their home countries of such individuals in con-
14 nection with such acts; and (3) notification pursuant to
15 section 7015 of this Act is submitted, and the procedures
16 therein followed, setting forth the source of funds that will
17 be used to pay for the cost of the new or expanded mission:
18 *Provided further*, That funds shall be available for peace-
19 keeping expenses only upon a certification by the Sec-
20 retary of State to the Committees on Appropriations that
21 American manufacturers and suppliers are being given op-
22 portunities to provide equipment, services, and material
23 for United Nations peacekeeping activities equal to those
24 being given to foreign manufacturers and suppliers.

1 INTERNATIONAL COMMISSIONS

2 For necessary expenses, not otherwise provided for,
3 to meet obligations of the United States arising under
4 treaties, or specific Acts of Congress, as follows:

5 INTERNATIONAL BOUNDARY AND WATER COMMISSION,
6 UNITED STATES AND MEXICO

7 For necessary expenses for the United States Section
8 of the International Boundary and Water Commission,
9 United States and Mexico, and to comply with laws appli-
10 cable to the United States Section, including not to exceed
11 \$6,000 for representation; as follows:

12 SALARIES AND EXPENSES

13 For salaries and expenses, not otherwise provided for,
14 \$32,256,000.

15 CONSTRUCTION

16 For detailed plan preparation and construction of au-
17 thorized projects, \$43,250,000, to remain available until
18 expended, as authorized.

19 AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

20 For necessary expenses, not otherwise provided,
21 \$11,649,000, of which \$7,559,000 is for the International
22 Joint Commission and \$1,970,000 is for the International
23 Boundary Commission, United States and Canada, as au-
24 thorized by treaties between the United States and Can-
25 ada or Great Britain, and \$2,120,000 is for the Border
26 Environment Cooperation Commission as authorized by

1 Public Law 103-182: *Provided*, That of the amount pro-
2 vided under this heading for the International Joint Com-
3 mission, \$9,000 may be made available for representation
4 expenses 45 days after submission to the Committees on
5 Appropriations of a report detailing obligations, expendi-
6 tures, and associated activities for fiscal years 2006, 2007,
7 and 2008, including any unobligated funds which expired
8 at the end of each fiscal year and the justification for why
9 such funds were not obligated.

10 INTERNATIONAL FISHERIES COMMISSIONS

11 For necessary expenses for international fisheries
12 commissions, not otherwise provided for, as authorized by
13 law, \$29,925,000: *Provided*, That the United States share
14 of such expenses may be advanced to the respective com-
15 missions pursuant to 31 U.S.C. 3324.

16 RELATED AGENCY

17 BROADCASTING BOARD OF GOVERNORS

18 INTERNATIONAL BROADCASTING OPERATIONS

19 For necessary expenses to enable the Broadcasting
20 Board of Governors, as authorized, to carry out inter-
21 national communication activities, including the purchase,
22 rent, construction, and improvement of facilities for radio
23 and television transmission and reception and purchase,
24 lease, and installation of necessary equipment for radio
25 and television transmission and reception to Cuba, and to

1 make and supervise grants for radio and television broad-
2 casting to the Middle East, \$698,187,000: *Provided*, That
3 of the total amount in this heading, not to exceed \$16,000
4 may be used for official receptions within the United
5 States as authorized, not to exceed \$35,000 may be used
6 for representation abroad as authorized, and not to exceed
7 \$39,000 may be used for official reception and representa-
8 tion expenses of Radio Free Europe/Radio Liberty; and
9 in addition, notwithstanding any other provision of law,
10 not to exceed \$2,000,000 in receipts from advertising and
11 revenue from business ventures, not to exceed \$500,000
12 in receipts from cooperating international organizations,
13 and not to exceed \$1,000,000 in receipts from privatiza-
14 tion efforts of the Voice of America and the International
15 Broadcasting Bureau, to remain available until expended
16 for carrying out authorized purposes.

17 BROADCASTING CAPITAL IMPROVEMENTS

18 For the purchase, rent, construction, and improve-
19 ment of facilities for radio and television transmission and
20 reception, and purchase and installation of necessary
21 equipment for radio and television transmission and recep-
22 tion as authorized, \$11,296,000, to remain available until
23 expended, as authorized.

1 RELATED PROGRAMS

2 THE ASIA FOUNDATION

3 For a grant to the Asia Foundation, as authorized
4 by the Asia Foundation Act (22 U.S.C. 4402),
5 \$16,000,000, to remain available until expended, as au-
6 thorized.

7 UNITED STATES INSTITUTE OF PEACE

8 For necessary expenses of the United States Institute
9 of Peace as authorized in the United States Institute of
10 Peace Act, \$31,000,000, to remain available until Sep-
11 tember 30, 2010.

12 CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE

13 TRUST FUND

14 For necessary expenses of the Center for Middle
15 Eastern-Western Dialogue Trust Fund, the total amount
16 of the interest and earnings accruing to such Fund on or
17 before September 30, 2009, to remain available until ex-
18 pended.

19 EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

20 For necessary expenses of Eisenhower Exchange Fel-
21 lowships, Incorporated, as authorized by sections 4 and
22 5 of the Eisenhower Exchange Fellowship Act of 1990 (20
23 U.S.C. 5204–5205), all interest and earnings accruing to
24 the Eisenhower Exchange Fellowship Program Trust
25 Fund on or before September 30, 2009, to remain avail-

1 able until expended: *Provided*, That none of the funds ap-
2 propriated herein shall be used to pay any salary or other
3 compensation, or to enter into any contract providing for
4 the payment thereof, in excess of the rate authorized by
5 5 U.S.C. 5376; or for purposes which are not in accord-
6 ance with OMB Circulars A-110 (Uniform Administrative
7 Requirements) and A-122 (Cost Principles for Non-profit
8 Organizations), including the restrictions on compensation
9 for personal services.

10 ISRAELI ARAB SCHOLARSHIP PROGRAM

11 For necessary expenses of the Israeli Arab Scholar-
12 ship Program as authorized by section 214 of the Foreign
13 Relations Authorization Act, Fiscal Years 1992 and 1993
14 (22 U.S.C. 2452), all interest and earnings accruing to
15 the Israeli Arab Scholarship Fund on or before September
16 30, 2009, to remain available until expended.

17 EAST-WEST CENTER

18 To enable the Secretary of State to provide for car-
19 rying out the provisions of the Center for Cultural and
20 Technical Interchange Between East and West Act of
21 1960, by grant to the Center for Cultural and Technical
22 Interchange Between East and West in the State of Ha-
23 waii, \$21,000,000: *Provided*, That none of the funds ap-
24 propriated herein shall be used to pay any salary, or enter

1 into any contract providing for the payment thereof, in
2 excess of the rate authorized by 5 U.S.C. 5376.

3 NATIONAL ENDOWMENT FOR DEMOCRACY

4 For grants made by the Department of State to the
5 National Endowment for Democracy, as authorized by the
6 National Endowment for Democracy Act, \$115,000,000,
7 to remain available until expended, of which \$100,000,000
8 shall be allocated in the traditional and customary manner
9 among the core institutes and \$15,000,000 shall be for
10 democracy, human rights, and rule of law programs, of
11 which \$250,000 shall be for programs and activities in
12 Tibet: *Provided*, That the President of the National En-
13 dowment for Democracy shall provide to the Committees
14 on Appropriations not later than 45 days after the date
15 of enactment of this Act a report on the proposed uses
16 of funds under this heading on a regional and country
17 basis: *Provided further*, That funds made available by this
18 Act for the promotion of democracy may be made available
19 for the National Endowment for Democracy notwith-
20 standing any other provision of law or regulation.

1 OTHER COMMISSIONS
2 COMMISSION FOR THE PRESERVATION OF AMERICA'S
3 HERITAGE ABROAD
4 SALARIES AND EXPENSES

5 For necessary expenses for the Commission for the
6 Preservation of America's Heritage Abroad, \$599,000, as
7 authorized by section 1303 of Public Law 99-83.

8 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
9 SALARIES AND EXPENSES

10 For necessary expenses for the United States Com-
11 mission on International Religious Freedom, as authorized
12 by title II of the International Religious Freedom Act of
13 1998 (Public Law 105-292), \$4,000,000, to remain avail-
14 able until September 30, 2010.

15 COMMISSION ON SECURITY AND COOPERATION IN
16 EUROPE
17 SALARIES AND EXPENSES

18 For necessary expenses of the Commission on Secu-
19 rity and Cooperation in Europe, as authorized by Public
20 Law 94-304, \$2,610,000, to remain available until Sep-
21 tember 30, 2010.

1 section applies to the Congressional-Executive Commis-
2 sion on the People's Republic of China: *Provided further,*
3 That the Commission shall comply with chapter 43 of title
4 5, United States Code, regarding the establishment and
5 regular review of employee performance appraisals: *Pro-*
6 *vided further,* That the Commission shall comply with sec-
7 tion 4505a of title 5, United States Code, with respect
8 to limitations on payment of performance-based cash
9 awards: *Provided further,* That compensation for the exec-
10 utive director of the Commission may not exceed the rate
11 payable for level II of the Executive Schedule under sec-
12 tion 5313 of title 5, United States Code: *Provided further,*
13 That travel by members of the Commission and its staff
14 shall be arranged and conducted under the rules and pro-
15 cedures applying to travel by members of the House of
16 Representatives and its staff.

21

1 UNITED STATES SENATE-CHINA INTERPARLIAMENTARY

2 GROUP

3 SALARIES AND EXPENSES

4 For necessary expenses of the United States Senate-
5 China Interparliamentary Group, as authorized under sec-
6 tion 153 of the Consolidated Appropriations Act, 2004 (22
7 U.S.C. 276n; Public Law 108-99; 118 Stat. 448),
8 \$150,000, to remain available until September 30, 2010.

9 TITLE II

10 UNITED STATES AGENCY FOR INTERNATIONAL

11 DEVELOPMENT

12 FUNDS APPROPRIATED TO THE PRESIDENT

13 OPERATING EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out the provisions
16 of section 667 of the Foreign Assistance Act of 1961,
17 \$808,584,000, of which up to \$85,000,000 may remain
18 available until September 30, 2010: *Provided*, That none
19 of the funds appropriated under this heading and under
20 the heading "Capital Investment Fund" in this Act may
21 be made available to finance the construction (including
22 architect and engineering services), purchase, or long-term
23 lease of offices for use by the United States Agency for
24 International Development (USAID), unless the USAID
25 Administrator has identified such proposed construction
26 (including architect and engineering services), purchase,

1 or long-term lease of offices in a report submitted to the
2 Committees on Appropriations at least 15 days prior to
3 the obligation of funds for such purposes: *Provided fur-*
4 *ther*, That the previous proviso shall not apply when the
5 total cost of construction (including architect and engi-
6 neering services), purchase, or long-term lease of offices
7 does not exceed \$1,000,000: *Provided further*, That con-
8 tracts or agreements entered into with funds appropriated
9 under this heading may entail commitments for the ex-
10 penditure of such funds through fiscal year 2010: *Pro-*
11 *vided further*, That any decision to open a new USAID
12 overseas mission or office or, except where there is a sub-
13 stantial security risk to mission personnel, to close or sig-
14 nificantly reduce the number of personnel of any such mis-
15 sion or office, shall be subject to the regular notification
16 procedures of the Committees on Appropriations: *Provided*
17 *further*, That the authority of sections 610 and 109 of the
18 Foreign Assistance Act of 1961 may be exercised by the
19 Secretary of State to transfer funds appropriated to carry
20 out chapter 1 of part I of such Act to "Operating Ex-
21 penses" in accordance with the provisions of those sec-
22 tions: *Provided further*, That of the funds appropriated or
23 made available under this heading, not to exceed \$250,000
24 shall be available for representation and entertainment al-
25 lowances, of which not to exceed \$5,000 shall be available

1 for entertainment allowances, for USAID during the cur-
2 rent fiscal year: *Provided further*, That no such entertain-
3 ment funds may be used for the purposes listed in section
4 7020 of this Act: *Provided further*, That appropriate steps
5 shall be taken to assure that, to the maximum extent pos-
6 sible, United States-owned foreign currencies are utilized
7 in lieu of dollars.

8 CIVILIAN STABILIZATION INITIATIVE

9 For necessary expenses to carry out section 667 of
10 the Foreign Assistance Act of 1961 for the United States
11 Agency for International Development (USAID) to estab-
12 lish, support, maintain, mobilize, and deploy a civilian re-
13 sponse corps in coordination with the Department of
14 State, and for related reconstruction and stabilization as-
15 sistance to prevent or respond to conflict or civil strife in
16 foreign countries or regions, or to enable transition from
17 such strife, \$30,000,000, to remain available until ex-
18 pended: *Provided*, That not later than 60 days after enact-
19 ment of this Act, the Secretary of State and the USAID
20 Administrator shall submit a coordinated joint spending
21 plan for funds made available under this heading and
22 under the heading "Civilian Stabilization Initiative" in
23 title I of this Act.

24 CAPITAL INVESTMENT FUND

25 For necessary expenses for overseas construction and
26 related costs, and for the procurement and enhancement

1 of information technology and related capital investments,
2 pursuant to section 667 of the Foreign Assistance Act of
3 1961, \$35,775,000, to remain available until expended:
4 *Provided*, That this amount is in addition to funds other-
5 wise available for such purposes: *Provided further*, That
6 funds appropriated under this heading shall be available
7 for obligation only pursuant to the regular notification
8 procedures of the Committees on Appropriations.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses to carry out the provisions
11 of section 667 of the Foreign Assistance Act of 1961,
12 \$42,000,000, to remain available until September 30,
13 2010, which sum shall be available for the Office of the
14 Inspector General of the United States Agency for Inter-
15 national Development.

16 TITLE III

17 BILATERAL ECONOMIC ASSISTANCE

18 FUNDS APPROPRIATED TO THE PRESIDENT

19 For necessary expenses to enable the President to
20 carry out the provisions of the Foreign Assistance Act of
21 1961, and for other purposes, to remain available until
22 September 30, 2009, unless otherwise specified herein, as
23 follows:

1 GLOBAL HEALTH AND CHILD SURVIVAL

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out the provisions
4 of chapters 1 and 10 of part I of the Foreign Assistance
5 Act of 1961, for global health activities, in addition to
6 funds otherwise available for such purposes,
7 \$1,955,000,000, to remain available until September 30,
8 2010, and which shall be apportioned directly to the
9 United States Agency for International Development: *Pro-*
10 *vided*, That this amount shall be made available for such
11 activities as: (1) child survival and maternal health pro-
12 grams; (2) immunization and oral rehydration programs;
13 (3) other health, nutrition, water and sanitation programs
14 which directly address the needs of mothers and children,
15 and related education programs; (4) assistance for chil-
16 dren displaced or orphaned by causes other than AIDS;
17 (5) programs for the prevention, treatment, control of, and
18 research on HIV/AIDS, tuberculosis, polio, malaria, and
19 other infectious diseases, and for assistance to commu-
20 nities severely affected by HIV/AIDS, including children
21 infected or affected by AIDS; and (6) family planning/re-
22 productive health: *Provided further*, That none of the
23 funds appropriated under this paragraph may be made
24 available for nonproject assistance, except that funds may
25 be made available for such assistance for ongoing health

1 activities: *Provided further*, That of the funds appropriated
2 under this paragraph, not to exceed \$400,000, in addition
3 to funds otherwise available for such purposes, may be
4 used to monitor and provide oversight of child survival,
5 maternal and family planning/reproductive health, and in-
6 fectious disease programs: *Provided further*, That of the
7 funds appropriated under this paragraph, \$75,000,000
8 should be made available for a United States contribution
9 to The GAVI Fund, and up to \$5,000,000 may be trans-
10 ferred to, and merged with, funds appropriated by this Act
11 under the heading "Operating Expenses" in title II for
12 costs directly related to global health, but funds made
13 available for such costs may not be derived from amounts
14 made available for contributions under this and preceding
15 provisos: *Provided further*, That none of the funds made
16 available in this Act nor any unobligated balances from
17 prior appropriations Acts may be made available to any
18 organization or program which, as determined by the
19 President of the United States, supports or participates
20 in the management of a program of coercive abortion or
21 involuntary sterilization: *Provided further*, That any deter-
22 mination made under the previous proviso must be made
23 no later than 6 months after the date of enactment of this
24 Act, and must be accompanied by the evidence and criteria
25 utilized to make the determination: *Provided further*, That

1 none of the funds made available under this Act may be
2 used to pay for the performance of abortion as a method
3 of family planning or to motivate or coerce any person
4 to practice abortions: *Provided further*, That nothing in
5 this paragraph shall be construed to alter any existing
6 statutory prohibitions against abortion under section 104
7 of the Foreign Assistance Act of 1961: *Provided further*,
8 That none of the funds made available under this Act may
9 be used to lobby for or against abortion: *Provided further*,
10 That in order to reduce reliance on abortion in developing
11 nations, funds shall be available only to voluntary family
12 planning projects which offer, either directly or through
13 referral to, or information about access to, a broad range
14 of family planning methods and services, and that any
15 such voluntary family planning project shall meet the fol-
16 lowing requirements: (1) service providers or referral
17 agents in the project shall not implement or be subject
18 to quotas, or other numerical targets, of total number of
19 births, number of family planning acceptors, or acceptors
20 of a particular method of family planning (this provision
21 shall not be construed to include the use of quantitative
22 estimates or indicators for budgeting and planning pur-
23 poses); (2) the project shall not include payment of incen-
24 tives, bribes, gratuities, or financial reward to: (A) an indi-
25 vidual in exchange for becoming a family planning accep-

1 tor; or (B) program personnel for achieving a numerical
2 target or quota of total number of births, number of fam-
3 ily planning acceptors, or acceptors of a particular method
4 of family planning; (3) the project shall not deny any right
5 or benefit, including the right of access to participate in
6 any program of general welfare or the right of access to
7 health care, as a consequence of any individual's decision
8 not to accept family planning services; (4) the project shall
9 provide family planning acceptors comprehensible infor-
10 mation on the health benefits and risks of the method cho-
11 sen, including those conditions that might render the use
12 of the method inadvisable and those adverse side effects
13 known to be consequent to the use of the method; and
14 (5) the project shall ensure that experimental contracep-
15 tive drugs and devices and medical procedures are pro-
16 vided only in the context of a scientific study in which
17 participants are advised of potential risks and benefits;
18 and, not less than 60 days after the date on which the
19 Administrator of the United States Agency for Inter-
20 national Development determines that there has been a
21 violation of the requirements contained in paragraph (1),
22 (2), (3), or (5) of this proviso, or a pattern or practice
23 of violations of the requirements contained in paragraph
24 (4) of this proviso, the Administrator shall submit to the
25 Committees on Appropriations a report containing a de-

1 scription of such violation and the corrective action taken
2 by the Agency: *Provided further*, That in awarding grants
3 for natural family planning under section 104 of the For-
4 eign Assistance Act of 1961 no applicant shall be discrimi-
5 nated against because of such applicant's religious or con-
6 scientious commitment to offer only natural family plan-
7 ning; and, additionally, all such applicants shall comply
8 with the requirements of the previous proviso: *Provided*
9 *further*, That for purposes of this or any other Act author-
10 izing or appropriating funds for the Department of State,
11 foreign operations, and related programs, the term "moti-
12 vate", as it relates to family planning assistance, shall not
13 be construed to prohibit the provision, consistent with
14 local law, of information or counseling about all pregnancy
15 options: *Provided further*, That information provided
16 about the use of condoms as part of projects or activities
17 that are funded from amounts appropriated by this Act
18 shall be medically accurate and shall include the public
19 health benefits and failure rates of such use.

20 In addition, for necessary expenses to carry out the
21 provisions of the Foreign Assistance Act of 1961 for the
22 prevention, treatment, and control of, and research on,
23 HIV/AIDS, \$5,159,000,000, to remain available until ex-
24 pended, and which shall be apportioned directly to the De-
25 partment of State: *Provided*, That of the funds appro-

1 priated under this paragraph, not less than \$600,000,000
2 shall be made available, notwithstanding any other provi-
3 sion of law, except for the United States Leadership
4 Against HIV/AIDS, Tuberculosis and Malaria Act of 2003
5 (Public Law 108-25), as amended, for a United States
6 contribution to the Global Fund to Fight AIDS, Tuber-
7 culosis and Malaria, and shall be expended at the min-
8 imum rate necessary to make timely payment for projects
9 and activities: *Provided further*, That up to 5 percent of
10 the aggregate amount of funds made available to the Glob-
11 al Fund in fiscal year 2009 may be made available to the
12 United States Agency for International Development for
13 technical assistance related to the activities of the Global
14 Fund: *Provided further*, That of the funds appropriated
15 under this paragraph, up to \$14,000,000 may be made
16 available, in addition to amounts otherwise available for
17 such purposes, for administrative expenses of the Office
18 of the Global AIDS Coordinator.

19 DEVELOPMENT ASSISTANCE

20 For necessary expenses to carry out the provisions
21 of sections 103, 105, 106, and sections 251 through 255,
22 and chapter 10 of part I of the Foreign Assistance Act
23 of 1961, \$1,800,000,000, to remain available until Sep-
24 tember 30, 2010: *Provided*, That of the funds appro-
25 priated under this heading that are made available for as-

1 sistance programs for displaced and orphaned children
2 and victims of war, not to exceed \$44,000, in addition to
3 funds otherwise available for such purposes, may be used
4 to monitor and provide oversight of such programs: *Pro-*
5 *vided further*, That of the funds appropriated by this Act
6 and prior Acts for fiscal year 2009, not less than
7 \$245,000,000 shall be made available for microenterprise
8 and microfinance development programs for the poor, es-
9 pecially women: *Provided further*, That of the funds appro-
10 priated under this heading, not less than \$22,500,000
11 shall be made available for the American Schools and Hos-
12 pitals Abroad program: *Provided further*, That of the
13 funds appropriated under this heading, \$10,000,000 shall
14 be made available for cooperative development programs
15 within the Office of Private and Voluntary Cooperation:
16 *Provided further*, That of the funds appropriated by this
17 Act and prior Acts for fiscal year 2009, not less than
18 \$300,000,000 shall be made available for water and sani-
19 tation supply projects pursuant to the Senator Paul Simon
20 Water for the Poor Act of 2005 (Public Law 109–121),
21 of which not less than \$125,000,000 should be made avail-
22 able for such projects in Africa: *Provided further*, That of
23 the funds appropriated by title III of this Act, not less
24 than \$375,000,000 shall be made available for agricultural
25 development programs, of which not less than

1 \$29,000,000 shall be made available for Collaborative Re-
2 search Support Programs: *Provided further*, That of the
3 funds appropriated under this heading, \$75,000,000 shall
4 be made available to enhance global food security, includ-
5 ing for local or regional purchase and distribution of food,
6 in addition to funds otherwise made available for such pur-
7 poses, and notwithstanding any other provision of law:
8 *Provided further*, That prior to the obligation of funds pur-
9 suant to the previous proviso and after consultation with
10 other relevant Federal departments and agencies, the
11 Committees on Appropriations, and relevant nongovern-
12 mental organizations, the Administrator of the United
13 States Agency for International Development shall submit
14 to the Committees on Appropriations a strategy for
15 achieving the goals of funding for global food security pro-
16 grams, specifying the intended country beneficiaries,
17 amounts of funding, types of activities to be funded, and
18 expected quantifiable results: *Provided further*, That of the
19 funds appropriated under this heading for agricultural de-
20 velopment programs, not less than \$7,000,000 shall be
21 made available for a United States contribution to the en-
22 dowment of the Global Crop Diversity Trust pursuant to
23 section 3202 of Public Law 110-246: *Provided further*,
24 That of the funds appropriated under this heading, not
25 less than \$15,000,000 shall be made available for pro-

1 grams to improve women's leadership capacity in recipient
2 countries.

3 INTERNATIONAL DISASTER ASSISTANCE

4 For necessary expenses to carry out the provisions
5 of section 491 of the Foreign Assistance Act of 1961 for
6 international disaster relief, rehabilitation, and recon-
7 struction assistance, \$350,000,000, to remain available
8 until expended.

9 TRANSITION INITIATIVES

10 For necessary expenses for international disaster re-
11 habilitation and reconstruction assistance pursuant to sec-
12 tion 491 of the Foreign Assistance Act of 1961,
13 \$50,000,000, to remain available until expended, to sup-
14 port transition to democracy and to long-term develop-
15 ment of countries in crisis: *Provided*, That such support
16 may include assistance to develop, strengthen, or preserve
17 democratic institutions and processes, revitalize basic in-
18 frastructure, and foster the peaceful resolution of conflict:
19 *Provided further*, That the United States Agency for Inter-
20 national Development shall submit a report to the Com-
21 mittees on Appropriations at least 5 days prior to begin-
22 ning a new program of assistance: *Provided further*, That
23 if the President determines that it is important to the na-
24 tional interests of the United States to provide transition
25 assistance in excess of the amount appropriated under this
26 heading, up to \$15,000,000 of the funds appropriated by

1 this Act to carry out the provisions of part I of the For-
2 eign Assistance Act of 1961 may be used for purposes of
3 this heading and under the authorities applicable to funds
4 appropriated under this heading: *Provided further*, That
5 funds made available pursuant to the previous proviso
6 shall be made available subject to prior consultation with
7 the Committees on Appropriations.

8 DEVELOPMENT CREDIT AUTHORITY
9 (INCLUDING TRANSFER OF FUNDS)

10 For the cost of direct loans and loan guarantees pro-
11 vided by the United States Agency for International De-
12 velopment, as authorized by sections 256 and 635 of the
13 Foreign Assistance Act of 1961, up to \$25,000,000 may
14 be derived by transfer from funds appropriated by this Act
15 to carry out part I of such Act and under the heading
16 "Assistance for Europe, Eurasia and Central Asia": *Pro-*
17 *vided*, That funds provided under this paragraph and
18 funds provided as a gift pursuant to section 635(d) of the
19 Foreign Assistance Act of 1961 shall be made available
20 only for micro and small enterprise programs, urban pro-
21 grams, and other programs which further the purposes of
22 part I of such Act: *Provided further*, That such costs, in-
23 cluding the cost of modifying such direct and guaranteed
24 loans, shall be as defined in section 502 of the Congres-
25 sional Budget Act of 1974, as amended: *Provided further*,
26 That funds made available by this paragraph may be used

1 for the cost of modifying any such guaranteed loans under
2 this Act or prior Acts, and funds used for such costs shall
3 be subject to the regular notification procedures of the
4 Committees on Appropriations: *Provided further*, That the
5 provisions of section 107A(d) (relating to general provi-
6 sions applicable to the Development Credit Authority) of
7 the Foreign Assistance Act of 1961, as contained in sec-
8 tion 306 of H.R. 1486 as reported by the House Com-
9 mittee on International Relations on May 9, 1997, shall
10 be applicable to direct loans and loan guarantees provided
11 under this heading: *Provided further*, That these funds are
12 available to subsidize total loan principal, any portion of
13 which is to be guaranteed, of up to \$700,000,000.

14 In addition, for administrative expenses to carry out
15 credit programs administered by the United States Agency
16 for International Development, \$8,000,000, which may be
17 transferred to, and merged with, funds made available
18 under the heading "Operating Expenses" in title II of this
19 Act: *Provided*, That funds made available under this head-
20 ing shall remain available until September 30, 2011.

21 ECONOMIC SUPPORT FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the provisions
24 of chapter 4 of part II of the Foreign Assistance Act of
25 1961, \$3,007,000,000, to remain available until Sep-

1 tember 30, 2010: *Provided*, That of the funds appro-
2 priated under this heading, \$200,000,000 shall be avail-
3 able only for Egypt, which sum shall be provided on a
4 grant basis, and of which sum cash transfer assistance
5 shall be provided with the understanding that Egypt will
6 undertake significant economic and democratic reforms
7 which are additional to those which were undertaken in
8 previous fiscal years: *Provided further*, That of the funds
9 appropriated under this heading for assistance for Egypt,
10 up to \$20,000,000 shall be made available for democracy,
11 human rights and governance programs, and not less than
12 \$35,000,000 shall be made available for education pro-
13 grams, of which not less than \$10,000,000 is for scholar-
14 ships for Egyptian students with high financial need: *Pro-*
15 *vided further*, That \$11,000,000 of the funds appropriated
16 under this heading should be made available for Cyprus
17 to be used only for scholarships, administrative support
18 of the scholarship program, bicomunal projects, and
19 measures aimed at reunification of the island and designed
20 to reduce tensions and promote peace and cooperation be-
21 tween the two communities on Cyprus: *Provided further*,
22 That of the funds appropriated under this heading, not
23 less than \$263,547,000 shall be made available for assist-
24 ance for Jordan: *Provided further*, That of the funds ap-
25 propriated under this heading not more than \$75,000,000

1 may be made available for assistance for the West Bank
2 and Gaza, of which not to exceed \$2,000,000 may be used
3 for administrative expenses of the United States Agency
4 for International Development (USAID), in addition to
5 funds otherwise available for such purposes, to carry out
6 programs in the West Bank and Gaza: *Provided further,*
7 That \$67,500,000 of the funds appropriated under this
8 heading shall be made available for assistance for Leb-
9 anon, of which not less than \$10,000,000 shall be made
10 available for educational scholarships for students in Leb-
11 anon with high financial need: *Provided further,* That
12 \$200,000,000 of the funds made available for assistance
13 for Afghanistan under this heading may be obligated for
14 such assistance only after the Secretary of State certifies
15 to the Committees on Appropriations that the Government
16 of Afghanistan at both the national and provincial level
17 is cooperating fully with United States[^] funded poppy 
18 eradication and interdiction efforts in Afghanistan: *Pro-*
19 *vided further,* That the President may waive the previous
20 proviso if the President determines and reports to the
21 Committees on Appropriations that to do so is in the na-
22 tional security interests of the United States: *Provided fur-*
23 *ther,* That of the funds appropriated under this heading,
24 \$200,000,000 shall be apportioned directly to USAID for
25 alternative development/institution building ~~and sustain~~ 

~~1 able development~~ programs in Colombia: *Provided further,*
2 That of the funds appropriated under this heading that
3 are available for Colombia, not less than \$3,500,000 shall
4 be transferred to, and merged with, funds appropriated
5 under the heading "Migration and Refugee Assistance"
6 and shall be made available only for assistance to non-
7 governmental organizations that provide emergency relief
8 aid to Colombian refugees in neighboring countries.

9

DEMOCRACY FUND

10 (a) For necessary expenses to carry out the provisions
11 of the Foreign Assistance Act of 1961 for the promotion
12 of democracy globally, \$116,000,000, to remain available
13 until September 30, 2011, of which not less than
14 \$74,000,000 shall be made available for the Human
15 Rights and Democracy Fund of the Bureau of Democracy,
16 Human Rights and Labor, Department of State, and not
17 less than \$37,000,000 shall be made available for the Of-
18 fice of Democracy and Governance of the Bureau for De-
19 mocracy, Conflict, and Humanitarian Assistance, United
20 States Agency for International Development.

21 (b) Of the funds appropriated under this heading that
22 are made available to the Bureau of Democracy, Human
23 Rights and Labor, not less than \$17,000,000 shall be
24 made available for the promotion of democracy in the Peo-
25 ple's Republic of China, Hong Kong, and Taiwan, and not
26 less than \$6,500,000 shall be made available for the pro-

1 motion of democracy in countries located outside the Mid-
2 dle East region with a significant Muslim population, and
3 where such programs and activities would be important
4 to respond to, deter, or prevent extremism: *Provided*, That
5 assistance for Taiwan should be matched from sources
6 other than the United States Government.

7 (c) Of the funds appropriated under this heading that
8 are made available to the Bureau for Democracy, Conflict,
9 and Humanitarian Assistance, not less than \$19,500,000
10 shall be made available for the Elections and Political
11 Process Fund, \$7,500,000 shall be made available for the ~~the~~
12 international labor programs, and not less than
13 \$10,000,000 shall be made available to provide institu-
14 tional and core support for organizations that promote
15 human rights, independent media and the rule of law.

16 (d) Funds appropriated by this Act that are made
17 available for the promotion of democracy may be made
18 available notwithstanding any other provision of law.
19 Funds appropriated under this heading are in addition to
20 funds otherwise made available for such purposes.

21 (e) For the purposes of funds appropriated by this
22 Act, the term "promotion of democracy" means programs
23 that support good governance, human rights, independent
24 media, and the rule of law, and otherwise strengthen the
25 capacity of democratic political parties, governments, non-

1 governmental organizations and institutions, and citizens
2 to support the development of democratic states, institu-
3 tions, and practices that are responsive and accountable
4 to citizens.

5 (f) Any contract, grant, or cooperative agreement (or
6 any amendment to any contract, grant, or cooperative
7 agreement) in excess of \$1,000,000 of funds under this
8 heading, and in excess of \$2,500,000 under other headings
9 in this Act, for the promotion of democracy, with the ex-
10 ception of programs and activities of the National Endow-
11 ment for Democracy, shall be subject to the regular notifi-
12 cation procedures of the Committees on Appropriations.

13 INTERNATIONAL FUND FOR IRELAND

14 For necessary expenses to carry out the provisions
15 of chapter 4 of part II of the Foreign Assistance Act of
16 1961, \$15,000,000, which shall be available for the United
17 States contribution to the International Fund for Ireland
18 and shall be made available in accordance with the provi-
19 sions of the Anglo-Irish Agreement Support Act of 1986
20 (Public Law 99-415): *Provided*, That such amount shall
21 be expended at the minimum rate necessary to make time-
22 ly payment for projects and activities: *Provided further*,
23 That funds made available under this heading shall re-
24 main available until September 30, 2010.

1 ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

2 For necessary expenses to carry out the provisions
3 of the Foreign Assistance Act of 1961, the FREEDOM
4 Support Act, and the Support for East European Democ-
5 racy (SEED) Act of 1989, \$650,000,000, to remain avail-
6 able until September 30, 2010, which shall be available,
7 notwithstanding any other provision of law, for assistance
8 and for related programs for countries identified in section
9 3 of the FREEDOM Support Act and section 3(c) of the
10 SEED Act: *Provided*, That funds appropriated under this
11 heading shall be considered to be economic assistance
12 under the Foreign Assistance Act of 1961 for purposes
13 of making available the administrative authorities con-
14 tained in that Act for the use of economic assistance: *Pro-*
15 *vided further*, That notwithstanding any provision of this
16 or any other Act, funds appropriated in prior years under
17 the headings “Independent States of the Former Soviet
18 Union” and similar headings and “Assistance for Eastern
19 Europe and the Baltic States” and similar headings, and
20 currencies generated by or converted from such funds,
21 shall be available for use in any country for which funds
22 are made available under this heading without regard to
23 the geographic limitations of the heading under which
24 such funds were originally appropriated: *Provided further*,
25 That funds made available for the Southern Caucasus re-

1 gion may be used for confidence-building measures and
2 other activities in furtherance of the peaceful resolution
3 of conflicts, including in Nagorno-Karabagh.

4 DEPARTMENT OF STATE

5 INTERNATIONAL NARCOTICS CONTROL AND LAW

6 ENFORCEMENT

7 For necessary expenses to carry out section 481 of
8 the Foreign Assistance Act of 1961, \$875,000,000, to re-
9 main available until September 30, 2010: *Provided*, That
10 during fiscal year 2009, the Department of State may also
11 use the authority of section 608 of the Foreign Assistance
12 Act of 1961, without regard to its restrictions, to receive
13 excess property from an agency of the United States Gov-
14 ernment for the purpose of providing it to a foreign coun-
15 try or international organization under chapter 8 of part
16 I of that Act subject to the regular notification procedures
17 of the Committees on Appropriations: *Provided further*,
18 That the Secretary of State shall provide to the Commit-
19 tees on Appropriations not later than 45 days after the
20 date of the enactment of this Act and prior to the initial
21 obligation of funds appropriated under this heading, a re-
22 port on the proposed uses of all funds under this heading
23 on a country-by-country basis for each proposed program,
24 project, or activity: *Provided further*, That none of the
25 funds appropriated under this heading for assistance for

1 Afghanistan may be made available for eradication pro-
2 grams through the aerial spraying of herbicides unless the
3 Secretary of State determines and reports to the Commit-
4 tees on Appropriations that the President of Afghanistan
5 has requested assistance for such aerial spraying pro-
6 grams for counternarcotics or counterterrorism purposes:
7 *Provided further*, That in the event the Secretary of State
8 makes a determination pursuant to the previous proviso,
9 the Secretary shall consult with the Committees on Appro-
10 priations prior to the obligation of funds for such eradi-
11 cation programs: *Provided further*, That of the funds ap-
12 propriated under this heading, \$5,000,000 should be made
13 available to combat piracy of United States copyrighted
14 materials, consistent with the requirements of section
15 688(a) and (b) of the Department of State, Foreign Oper-
16 ations, and Related Programs Appropriations Act, 2008
17 (division J of Public Law 110-161): *Provided further*,
18 That none of the funds appropriated under this heading
19 for assistance ~~to~~ Colombia shall be made available for
20 budget support or as cash payments: *Provided further*,
21 That of the funds appropriated under this heading for ad-
22 ministrative expenses, ten percent shall be withheld from
23 obligation until the Secretary of State submits a report
24 to the Committees on Appropriations detailing all salaries,

for)

1 funded under this heading in fiscal years 2007 and 2008,
2 and such salaries proposed in fiscal year 2009.

3 ANDEAN COUNTERDRUG PROGRAMS

4 For necessary expenses to carry out section 481 of
5 the Foreign Assistance Act of 1961 to support
6 counterdrug activities in the Andean region of South
7 America, \$315,000,000, to remain available until Sep-
8 tember 30, 2010: *Provided*, That the Secretary of State,
9 in consultation with the Administrator of the United
10 States Agency for International Development (USAID),
11 shall provide to the Committees on Appropriations not
12 later than 45 days after the date of the enactment of this
13 Act and prior to the initial obligation of funds appro-
14 priated under this heading, a report on the proposed uses
15 of all funds under this heading on a country-by-country
16 basis for each proposed program, project, or activity: *Pro-*
17 *vided further*, That section 482(b) of the Foreign Assist-
18 ance Act of 1961 shall not apply to funds appropriated
19 under this heading: *Provided further*, That assistance pro-
20 vided with funds appropriated under this heading that is
21 made available notwithstanding section 482(b) of the For-
22 eign Assistance Act of 1961 shall be made available sub-
23 ject to the regular notification procedures of the Commit-
24 tees on Appropriations: *Provided further*, That funds ap-
25 propriated under this heading that are made available for
26 assistance for the Bolivian military and police may be

1 made available for such purposes only if the Secretary of
 2 State certifies to the Committees on Appropriations that
 3 the Bolivian military and police are respecting internation-
 4 ally recognized human rights and cooperating fully with
 5 investigations and prosecutions by civilian judicial authori-
 6 ties of military and police personnel who have been
 7 credibly alleged to have violated such rights: *Provided fur-*
 8 *ther,* That of the funds appropriated under this heading,
 9 not more than \$16,730,000 may be available for adminis-
 10 trative expenses of the Department of State, and not more
 11 than \$8,000,000 of the funds made available for alter-
 12 native development programs under the heading "Eco-
 13 nomic Support Fund" in this Act may be available, in ad-
 14 dition to amounts otherwise available for such purposes,
 15 for administrative expenses of USAID.

Institution building

16 NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND
 17 RELATED PROGRAMS

18 For necessary expenses for nonproliferation, anti-ter-
 19 rorism, demining and related programs and activities,
 20 \$525,000,000, to carry out the provisions of chapter 8 of
 21 part II of the Foreign Assistance Act of 1961 for anti-
 22 terrorism assistance, chapter 9 of part II of the Foreign
 23 Assistance Act of 1961, section 504 of the FREEDOM
 24 Support Act, section 23 of the Arms Export Control Act
 25 or the Foreign Assistance Act of 1961 for demining activi-
 26 ties, the clearance of unexploded ordnance, the destruction

1 of small arms, and related activities, notwithstanding any
2 other provision of law, including activities implemented
3 through nongovernmental and international organizations,
4 and section 301 of the Foreign Assistance Act of 1961
5 for a voluntary contribution to the International Atomic
6 Energy Agency (IAEA), and for a United States contribu-
7 tion to the Comprehensive Nuclear Test Ban Treaty Pre-
8 paratory Commission: *Provided*, That of this amount not
9 to exceed \$41,000,000, to remain available until expended,
10 may be made available for the Nonproliferation and Disar-
11 mament Fund, notwithstanding any other provision of
12 law, to promote bilateral and multilateral activities relat-
13 ing to nonproliferation and disarmament: *Provided further*,
14 That such funds may also be used for such countries other
15 than the Independent States of the former Soviet Union
16 and international organizations when it is in the national
17 security interest of the United States to do so: *Provided*
18 *further*, That funds appropriated under this heading may
19 be made available for IAEA only if the Secretary of State
20 determines (and so reports to the Congress) that Israel
21 is not being denied its right to participate in the activities
22 of that Agency: *Provided further*, That of the funds appro-
23 priated under this heading, not more than \$750,000 may
24 be made available for public-private partnerships for con-
25 ventional weapons and mine action by grant, cooperative

1 agreement or contract: *Provided further*, That of the funds
2 made available for demining and related activities, not to
3 exceed \$700,000, in addition to funds otherwise available
4 for such purposes, may be used for administrative ex-
5 penses related to the operation and management of the
6 demining program: *Provided further*, That funds appro-
7 priated under this heading that are available for “Anti-
8 terrorism Assistance” and “Export Control and Border
9 Security” shall remain available until September 30,
10 2010.

11 MIGRATION AND REFUGEE ASSISTANCE

12 For necessary expenses, not otherwise provided for,
13 to enable the Secretary of State to provide, as authorized
14 by law, a contribution to the International Committee of
15 the Red Cross, assistance to refugees, including contribu-
16 tions to the International Organization for Migration and
17 the United Nations High Commissioner for Refugees, and
18 other activities to meet refugee and migration needs; sala-
19 ries and expenses of personnel and dependents as author-
20 ized by the Foreign Service Act of 1980; allowances as
21 authorized by sections 5921 through 5925 of title 5,
22 United States Code; purchase and hire of passenger motor
23 vehicles; and services as authorized by section 3109 of title
24 5, United States Code, \$931,000,000, to remain available

1 until expended, of which not less than \$30,000,000 shall
2 be made available for refugees resettling in Israel.

3 UNITED STATES EMERGENCY REFUGEE AND MIGRATION
4 ASSISTANCE FUND

5 For necessary expenses to carry out the provisions
6 of section 2(c) of the Migration and Refugee Assistance
7 Act of 1962, as amended (22 U.S.C. 2601(c)),
8 \$40,000,000, to remain available until expended.

9 INDEPENDENT AGENCIES

10 PEACE CORPS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out the provisions
13 of the Peace Corps Act (75 Stat. 612), including the pur-
14 chase of not to exceed five passenger motor vehicles for
15 administrative purposes for use outside of the United
16 States, \$340,000,000 to remain available until September
17 30, 2010: *Provided*, That none of the funds appropriated
18 under this heading shall be used to pay for abortions: *Pro-*
19 *vided further*, That the Director of the Peace Corps may
20 transfer to the Foreign Currency Fluctuations Account,
21 as authorized by 22 U.S.C. 2515, an amount not to exceed
22 \$4,000,000: *Provided further*, That funds transferred pur-
23 suant to the previous proviso may not be derived from
24 amounts made available for Peace Corps overseas oper-
25 ations: *Provided further*, That of the funds appropriated
26 under this heading, not to exceed \$4,000 shall be made

1 available for entertainment expenses: *Provided further,*
2 That any decision to open a new domestic office or to
3 close, or significantly reduce the number of personnel of,
4 any office, shall be subject to the regular notification pro-
5 cedures of the Committees on Appropriations.

6 MILLENNIUM CHALLENGE CORPORATION
7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to carry out the provisions
9 of the Millennium Challenge Act of 2003, \$875,000,000
10 to remain available until expended: *Provided,* That of the
11 funds appropriated under this heading, up to \$95,000,000
12 may be available for administrative expenses of the Millen-
13 nium Challenge Corporation (the Corporation): *Provided*
14 *further,* That up to 10 percent of the funds appropriated
15 under this heading may be made available to carry out
16 the purposes of section 616 of the Millennium Challenge
17 Act of 2003 for candidate countries for fiscal year 2009:
18 *Provided further,* That none of the funds available to carry
19 out section 616 of such Act may be made available until
20 the Chief Executive Officer of the Corporation provides
21 a report to the Committees on Appropriations listing the
22 candidate countries that will be receiving assistance under
23 section 616 of such Act, the level of assistance proposed
24 for each such country, a description of the proposed pro-
25 grams, projects and activities, and the implementing agen-
26 cy or agencies of the United States Government: *Provided*

1 *further*, That section 605(e)(4) of the Millennium Chal-
2 lenge Act of 2003 shall apply to funds appropriated under
3 this heading: *Provided further*, That funds appropriated
4 under this heading may be made available for a Millen-
5 nium Challenge Compact entered into pursuant to section
6 609 of the Millennium Challenge Act of 2003 only if such
7 Compact obligates, or contains a commitment to obligate
8 subject to the availability of funds and the mutual agree-
9 ment of the parties to the Compact to proceed, the entire
10 amount of the United States Government funding antici-
11 pated for the duration of the Compact: *Provided further*,
12 That the Corporation should reimburse the United States
13 Agency for International Development (USAID) for all ex-
14 penses incurred by USAID with funds appropriated under
15 this heading in assisting the Corporation in carrying out
16 the Millennium Challenge Act of 2003 (22 U.S.C. 7701
17 et seq.), including administrative costs for compact devel-
18 opment, negotiation, and implementation: *Provided fur-*
19 *ther*, That of the funds appropriated under this heading,
20 not to exceed \$100,000 shall be available for representa-
21 tion and entertainment allowances, of which not to exceed
22 \$5,000 shall be available for entertainment allowances.

23

INTER-AMERICAN FOUNDATION

24 For necessary expenses to carry out the functions of
25 the Inter-American Foundation in accordance with the
26 provisions of section 401 of the Foreign Assistance Act

1 of 1969, \$22,500,000, to remain available until September
2 30, 2010: *Provided*, That of the funds appropriated under
3 this heading, not to exceed \$3,000 shall be available for
4 entertainment and representation allowances.

5 AFRICAN DEVELOPMENT FOUNDATION

6 For necessary expenses to carry out title V of the
7 International Security and Development Cooperation Act
8 of 1980 (Public Law 96-533), \$32,500,000, to remain
9 available until September 30, 2010: *Provided*, That funds
10 made available to grantees may be invested pending ex-
11 penditure for project purposes when authorized by the
12 Board of Directors of the Foundation: *Provided further*,
13 That interest earned shall be used only for the purposes
14 for which the grant was made: *Provided further*, That not-
15 withstanding section 505(a)(2) of the African Develop-
16 ment Foundation Act, in exceptional circumstances the
17 Board of Directors of the Foundation may waive the
18 \$250,000 limitation contained in that section with respect
19 to a project and a project may exceed the limitation by
20 up to \$10,000 if the increase is due solely to foreign cur-
21 rency fluctuation: *Provided further*, That the Foundation
22 shall provide a report to the Committees on Appropria-
23 tions after each time such waiver authority is exercised.

1 DEPARTMENT OF THE TREASURY

2 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

3 For necessary expenses to carry out the provisions
4 of section 129 of the Foreign Assistance Act of 1961,
5 \$25,000,000, to remain available until September 30,
6 2011, which shall be available notwithstanding any other
7 provision of law.

8 DEBT RESTRUCTURING

9 For the cost, as defined in section 502 of the Con-
10 gressional Budget Act of 1974, of modifying loans and
11 loan guarantees, as the President may determine, for
12 which funds have been appropriated or otherwise made
13 available for programs within the International Affairs
14 Budget Function 150, including the cost of selling, reduc-
15 ing, or canceling amounts owed to the United States as
16 a result of concessional loans made to eligible countries,
17 pursuant to parts IV and V of the Foreign Assistance Act
18 of 1961, of modifying concessional credit agreements with
19 least developed countries, as authorized under section 411
20 of the Agricultural Trade Development and Assistance Act
21 of 1954, as amended, of concessional loans, guarantees
22 and credit agreements, as authorized under section 572
23 of the Foreign Operations, Export Financing, and Related
24 Programs Appropriations Act, 1989 (Public Law 100-
25 461), and of canceling amounts owed, as a result of loans
26 or guarantees made pursuant to the Export-Import Bank

1 Act of 1945, by countries that are eligible for debt reduc-
2 tion pursuant to title V of H.R. 3425 as enacted into law
3 by section 1000(a)(5) of Public Law 106–113,
4 \$60,000,000, to remain available until September 30,
5 2011: *Provided*, That not less than \$20,000,000 of the
6 funds appropriated under this heading shall be made avail-
7 able to carry out the provisions of part V of the Foreign
8 Assistance Act of 1961: *Provided further*, That amounts
9 paid to the HIPC Trust Fund may be used only to fund
10 debt reduction under the enhanced HIPC initiative by—

- 11 (1) the Inter-American Development Bank;
- 12 (2) the African Development Fund;
- 13 (3) the African Development Bank; and
- 14 (4) the Central American Bank for Economic
15 Integration:

16 *Provided further*, That funds may not be paid to the HIPC
17 Trust Fund for the benefit of any country if the Secretary
18 of State has credible evidence that the government of such
19 country is engaged in a consistent pattern of gross viola-
20 tions of internationally recognized human rights or in mili-
21 tary or civil conflict that undermines its ability to develop
22 and implement measures to alleviate poverty and to devote
23 adequate human and financial resources to that end: *Pro-*
24 *vided further*, That on the basis of final appropriations,
25 the Secretary of the Treasury shall consult with the Com-

1 mittees on Appropriations concerning which countries and
2 international financial institutions are expected to benefit
3 from a United States contribution to the HIPC Trust
4 Fund during the fiscal year: *Provided further*, That the
5 Secretary of the Treasury shall notify the Committees on
6 Appropriations not less than 15 days in advance of the
7 signature of an agreement by the United States to make
8 payments to the HIPC Trust Fund of amounts for such
9 countries and institutions: *Provided further*, That the Sec-
10 retary of the Treasury may disburse funds designated for
11 debt reduction through the HIPC Trust Fund only for the
12 benefit of countries that—

13 (1) have committed, for a period of 24 months,
14 not to accept new market-rate loans from the inter-
15 national financial institution receiving debt repay-
16 ment as a result of such disbursement, other than
17 loans made by such institutions to export-oriented
18 commercial projects that generate foreign exchange
19 which are generally referred to as “enclave” loans;
20 and

21 (2) have documented and demonstrated their
22 commitment to redirect their budgetary resources
23 from international debt repayments to programs to
24 alleviate poverty and promote economic growth that

1 are additional to or expand upon those previously
2 available for such purposes:

3 *Provided further*, That any limitation of subsection (e) of
4 section 411 of the Agricultural Trade Development and
5 Assistance Act of 1954 shall not apply to funds appro-
6 priated under this heading: *Provided further*, That none
7 of the funds made available under this heading in this or
8 any other appropriations Act shall be made available for
9 Sudan or Burma unless the Secretary of the Treasury de-
10 termines and notifies the Committees on Appropriations
11 that a democratically elected government has taken office.

12

TITLE IV

13

INTERNATIONAL SECURITY ASSISTANCE

14

FUNDS APPROPRIATED TO THE PRESIDENT

15

PEACEKEEPING OPERATIONS

16

17 For necessary expenses to carry out the provisions
18 of section 551 of the Foreign Assistance Act of 1961,
19 \$250,200,000: *Provided*, That of the funds made available
20 under this heading, not less than \$25,000,000 shall be
21 made available for a United States contribution to the
22 Multinational Force and Observers mission in the Sinai:
23 *Provided further*, That none of the funds appropriated
24 under this heading shall be obligated or expended except
25 as provided through the regular notification procedures of
the Committees on Appropriations.

1 INTERNATIONAL MILITARY EDUCATION AND TRAINING

2 For necessary expenses to carry out the provisions
3 of section 541 of the Foreign Assistance Act of 1961,
4 \$91,000,000, of which up to \$4,000,000 may remain
5 available until expended and may only be provided through
6 the regular notification procedures of the Committees on
7 Appropriations: *Provided*, That the civilian personnel for
8 whom military education and training may be provided
9 under this heading may include civilians who are not mem-
10 bers of a government whose participation would contribute
11 to improved civil-military relations, civilian control of the
12 military, or respect for human rights: *Provided further*,
13 That funds made available under this heading for assist-
14 ance for Haiti, Guatemala, the Democratic Republic of the
15 Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh,
16 Libya, and Angola may only be provided through the reg-
17 ular notification procedures of the Committees on Appro-
18 priations and any such notification shall include a detailed
19 description of proposed activities: *Provided further*, That
20 of the funds appropriated under this heading not to exceed
21 \$55,000 shall be available for entertainment allowances.

22 FOREIGN MILITARY FINANCING PROGRAM

23 For expenses necessary for grants to enable the
24 President to carry out the provisions of section 23 of the
25 Arms Export Control Act, \$4,635,000,000: *Provided*,

1 That of the funds appropriated under this heading, not
2 less than \$2,380,000,000 shall be available for grants only
3 for Israel, and not less than \$1,300,000,000 shall be made
4 available for grants only for Egypt, including for border
5 security programs and activities in the Sinai: *Provided fur-*
6 *ther*, That the funds appropriated by this paragraph for
7 Israel shall be disbursed within 30 days of the enactment
8 of this Act: *Provided further*, That to the extent that the
9 Government of Israel requests that funds be used for such
10 purposes, grants made available for Israel by this para-
11 graph shall, as agreed by the United States and Israel,
12 be available for advanced weapons systems, of which not
13 less than \$670,650,000 shall be available for the procure-
14 ment in Israel of defense articles and defense services, in-
15 cluding research and development: *Provided further*, That
16 of the funds appropriated by this paragraph,
17 \$235,000,000 shall be made available for assistance for
18 Jordan: *Provided further*, That of the funds appropriated
19 under this heading, not more than \$53,000,000 shall be
20 available for Colombia, of which \$12,500,000 is available
21 to support maritime interdiction: *Provided further*, That
22 funds appropriated under this heading for assistance for
23 Pakistan may be made available only for border security,
24 counter-terrorism and law enforcement activities directed
25 against Al Qaeda, the Taliban and associated terrorist

1 groups: *Provided further*, That none of the funds made
2 available under this heading shall be made available to
3 support or continue any program initially funded under
4 the authority of section 1206 of the National Defense Au-
5 thorization Act for Fiscal Year 2006 (Public Law 109-
6 163; 119 Stat. 3456) unless the Secretary of ~~the~~ State
7 has previously justified such program to the Committees
8 on Appropriations: *Provided further*, That funds appro-
9 priated or otherwise made available by this paragraph
10 shall be nonrepayable notwithstanding any requirement in
11 section 23 of the Arms Export Control Act: *Provided fur-*
12 *ther*, That funds made available under this paragraph
13 shall be obligated upon apportionment in accordance with
14 paragraph (5)(C) of title 31, United States Code, section
15 1501(a).

16 None of the funds made available under this heading
17 shall be available to finance the procurement of defense
18 articles, defense services, or design and construction serv-
19 ices that are not sold by the United States Government
20 under the Arms Export Control Act unless the foreign
21 country proposing to make such procurements has first
22 signed an agreement with the United States Government
23 specifying the conditions under which such procurements
24 may be financed with such funds: *Provided*, That all coun-
25 try and funding level increases in allocations shall be sub-

1 mitted through the regular notification procedures of sec-
2 tion 7015 of this Act: *Provided further*, That none of the
3 funds appropriated under this heading may be made avail-
4 able for assistance for Nepal, Sri Lanka, Pakistan, Ban-
5 gladesh, Philippines, Indonesia, Bosnia and Herzegovina,
6 Haiti, Guatemala, Ethiopia, and the Democratic Republic
7 of the Congo except pursuant to the regular notification
8 procedures of the Committees on Appropriations: *Provided*
9 *further*, That funds made available under this heading
10 may be used, notwithstanding any other provision of law,
11 for demining, the clearance of unexploded ordnance, and
12 related activities, and may include activities implemented
13 through nongovernmental and international organizations:
14 *Provided further*, That only those countries for which as-
15 sistance was justified for the "Foreign Military Sales Fi-
16 nancing Program" in the fiscal year 1989 congressional
17 presentation for security assistance programs may utilize
18 funds made available under this heading for procurement
19 of defense articles, defense services or design and con-
20 struction services that are not sold by the United States
21 Government under the Arms Export Control Act: *Provided*
22 *further*, That funds appropriated under this heading shall
23 be expended at the minimum rate necessary to make time-
24 ly payment for defense articles and services: *Provided fur-*
25 *ther*, That not more than \$51,420,000 of the funds appro-

1 priated under this heading may be obligated for necessary
2 expenses, including the purchase of passenger motor vehi-
3 cles for replacement only for use outside of the United
4 States, for the general costs of administering military as-
5 sistance and sales, except that this limitation may be ex-
6 ceeded only through the regular notification procedures of
7 the Committees on Appropriations: *Provided further*, That
8 of the funds appropriated under this heading for general
9 costs of administering military assistance and sales, not
10 to exceed \$4,000 shall be available for entertainment ex-
11 penses and not to exceed \$130,000 shall be available for
12 representation allowances: *Provided further*, That not
13 more than \$470,000,000 of funds realized pursuant to
14 section 21(e)(1)(A) of the Arms Export Control Act may
15 be obligated for expenses incurred by the Department of
16 Defense during fiscal year 2009 pursuant to section 43(b)
17 of the Arms Export Control Act, except that this limita-
18 tion may be exceeded only through the regular notification
19 procedures of the Committees on Appropriations: *Provided*
20 *further*, That funds appropriated under this heading esti-
21 mated to be outlayed for Egypt during fiscal year 2009
22 shall be transferred to an interest bearing account for
23 Egypt in the Federal Reserve Bank of New York within
24 30 days of enactment of this Act.

61

1 TITLE V
2 MULTILATERAL ASSISTANCE
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 INTERNATIONAL ORGANIZATIONS AND PROGRAMS
5 For necessary expenses to carry out the provisions
6 of section 301 of the Foreign Assistance Act of 1961, and
7 of section 2 of the United Nations Environment Program
8 Participation Act of 1973, \$352,500,000: *Provided*, That
9 section 307(a) of the Foreign Assistance Act shall not
10 apply to contributions to the United Nations Democracy
11 Fund.

of 1961

12 INTERNATIONAL FINANCIAL INSTITUTIONS
13 GLOBAL ENVIRONMENT FACILITY
14 For the United States contribution for the Global En-
15 vironment Facility, \$80,000,000, to the International
16 Bank for Reconstruction and Development as trustee for
17 the Global Environment Facility, by the Secretary of the
18 Treasury, to remain available until expended.
19 CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT
20 ASSOCIATION
21 For payment to the International Development Asso-
22 ciation by the Secretary of the Treasury, \$1,115,000,000,
23 to remain available until expended.

1 CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS
2 MULTILATERAL INVESTMENT FUND

3 For payment to the Enterprise for the Americas Mul-
4 tilateral Investment Fund by the Secretary of the Treas-
5 ury, for the United States contribution to the fund,
6 \$25,000,000, to remain available until expended.

7 CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

8 For the United States contribution by the Secretary
9 of the Treasury to the increase in resources of the Asian
10 Development Fund, as authorized by the Asian Develop-
11 ment Bank Act, as amended, \$105,000,000, to remain
12 available until expended.

13 CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

14 For the United States contribution by the Secretary
15 of the Treasury to the increase in resources of the African
16 Development Fund, \$150,000,000, to remain available
17 until expended.

18 CONTRIBUTION TO THE INTERNATIONAL FUND FOR
19 AGRICULTURAL DEVELOPMENT

20 For the United States contribution by the Secretary
21 of the Treasury to increase the resources of the Inter-
22 national Fund for Agricultural Development,
23 \$18,000,000, to remain available until expended.

1 TITLE VI
2 EXPORT AND INVESTMENT ASSISTANCE
3 EXPORT-IMPORT BANK OF THE UNITED STATES
4 INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$2,500,000, to remain
8 available until September 30, 2010.

9 PROGRAM ACCOUNT

10 The Export-Import Bank of the United States is au-
11 thorized to make such expenditures within the limits of
12 funds and borrowing authority available to such corpora-
13 tion, and in accordance with law, and to make such con-
14 tracts and commitments without regard to fiscal year limi-
15 tations, as provided by section 104 of the Government
16 Corporation Control Act, as may be necessary in carrying
17 out the program for the current fiscal year for such cor-
18 poration: *Provided*, That none of the funds available dur-
19 ing the current fiscal year may be used to make expendi-
20 tures, contracts, or commitments for the export of nuclear
21 equipment, fuel, or technology to any country, other than
22 a nuclear-weapon state as defined in Article IX of the
23 Treaty on the Non-Proliferation of Nuclear Weapons eligi-
24 ble to receive economic or military assistance under this
25 Act, that has detonated a nuclear explosive after the date
26 of the enactment of this Act: *Provided further*, That not-

1 withstanding section 1(c) of Public Law 103-428, as
2 amended, sections 1(a) and (b) of Public Law 103-428
3 shall remain in effect through October 1, 2009: *Provided*
4 *further*, That not less than 10 percent of the aggregate
5 loan, guarantee, and insurance authority available to the
6 Export-Import Bank under this Act should be used for
7 renewable energy or energy efficient end-use technologies.

8

SUBSIDY APPROPRIATION

9 For the cost of direct loans, loan guarantees, insur-
10 ance, and tied-aid grants as authorized by section 10 of
11 the Export-Import Bank Act of 1945, as amended, not
12 to exceed \$41,000,000: *Provided*, That such costs, includ-
13 ing the cost of modifying such loans, shall be as defined
14 in section 502 of the Congressional Budget Act of 1974:
15 *Provided further*, That such funds shall remain available
16 until September 30, 2024, for the disbursement of direct
17 loans, loan guarantees, insurance and tied-aid grants obli-
18 gated in fiscal years 2009, 2010, 2011, and 2012: *Pro-*
19 *vided further*, That none of the funds appropriated by this
20 Act or any prior Acts appropriating funds for the Depart-
21 ment of State, foreign operations, and related programs
22 for tied-aid credits or grants may be used for any other
23 purpose except through the regular notification procedures
24 of the Committees on Appropriations: *Provided further*,
25 That funds appropriated by this paragraph are made

technologies

1 available notwithstanding section 2(b)(2) of the Export-
2 Import Bank Act of 1945, in connection with the purchase
3 or lease of any product by any Eastern European country,
4 any Baltic State or any agency or national thereof.

5 ADMINISTRATIVE EXPENSES

6 For administrative expenses to carry out the direct
7 and guaranteed loan and insurance programs, including
8 hire of passenger motor vehicles and services as authorized
9 by 5 U.S.C. 3109, and not to exceed \$30,000 for official
10 reception and representation expenses for members of the
11 Board of Directors, not to exceed \$81,500,000: *Provided*,
12 That the Export-Import Bank may accept, and use, pay-
13 ment or services provided by transaction participants for
14 legal, financial, or technical services in connection with
15 any transaction for which an application for a loan, guar-
16 antee or insurance commitment has been made: *Provided*
17 *further*, That notwithstanding subsection (b) of section
18 117 of the Export Enhancement Act of 1992, subsection
19 (a) thereof shall remain in effect until October 1, 2009.

20 RECEIPTS COLLECTED

21 Receipts collected pursuant to the Export-Import
22 Bank Act of 1945, as amended, and the Federal Credit
23 Reform Act of 1990, as amended, in an amount not to
24 exceed the amount appropriated herein, shall be credited
25 as offsetting collections to this account: *Provided*, That the
26 sums herein appropriated from the General Fund shall be

1 PROGRAM ACCOUNT

2 For the cost of direct and guaranteed loans,
3 \$29,000,000, as authorized by section 234 of the Foreign
4 Assistance Act of 1961, to be derived by transfer from
5 the Overseas Private Investment Corporation Noncredit
6 Account: *Provided*, That such costs, including the cost of
7 modifying such loans, shall be as defined in section 502
8 of the Congressional Budget Act of 1974: *Provided fur-*
9 *ther*, That such sums shall be available for direct loan obli-
10 gations and loan guaranty commitments incurred or made
11 during fiscal years 2009, 2010, and 2011: *Provided fur-*
12 *ther*, That funds so obligated in fiscal year 2009 remain
13 available for disbursement through 2017; funds obligated
14 in fiscal year 2010 remain available for disbursement
15 through 2018; and funds obligated in fiscal year 2011 re-
16 main available for disbursement through 2019: *Provided*
17 *further*, That notwithstanding any other provision of law,
18 the Overseas Private Investment Corporation is authorized
19 to undertake any program authorized by title IV of the
20 Foreign Assistance Act of 1961 in Iraq: *Provided further*,
21 That funds made available pursuant to the authority of
22 the previous proviso shall be subject to the regular notifi-
23 cation procedures of the Committees on Appropriations.

24 In addition, such sums as may be necessary for ad-
25 ministrative expenses to carry out the credit program may

1 be derived from amounts available for administrative ex-
2 penses to carry out the credit and insurance programs in
3 the Overseas Private Investment Corporation Noncredit
4 Account and merged with said account.

5 FUNDS APPROPRIATED TO THE PRESIDENT

6 TRADE AND DEVELOPMENT AGENCY

7 For necessary expenses to carry out the provisions
8 of section 661 of the Foreign Assistance Act of 1961,
9 \$50,800,000, to remain available until September 30,
10 2010.

11 TITLE VII

12 GENERAL PROVISIONS

13 ALLOWANCES AND DIFFERENTIALS

14 SEC. 7001. Funds appropriated under title I of this
15 Act shall be available, except as otherwise provided, for
16 allowances and differentials as authorized by subchapter
17 59 of title 5, United States Code; for services as author-
18 ized by 5 U.S.C. 3109; and for hire of passenger transpor-
19 tation pursuant to 31 U.S.C. 1343(b).

20 UNOBLIGATED BALANCES REPORT

21 SEC. 7002. Any Department or Agency to which
22 funds are appropriated or otherwise made available by this
23 Act shall provide to the Committees on Appropriations a
24 quarterly accounting of cumulative balances by program,
25 project, and activity of the funds received by such Depart-

1 ment or Agency in this fiscal year or any previous fiscal
2 year that remain unobligated and unexpended.

3 CONSULTING SERVICES

4 SEC. 7003. The expenditure of any appropriation
5 under title I of this Act for any consulting service through
6 procurement contract, pursuant to 5 U.S.C. 3109, shall
7 be limited to those contracts where such expenditures are
8 a matter of public record and available for public inspec-
9 tion, except where otherwise provided under existing law,
10 or under existing Executive order issued pursuant to exist-
11 ing law.

12 EMBASSY CONSTRUCTION

13 SEC. 7004. (a) Of funds provided under title I of this
14 Act, except as provided in subsection (b), a project to con-
15 struct a diplomatic facility of the United States may not
16 include office space or other accommodations for an em-
17 ployee of a Federal agency or department if the Secretary
18 of State determines that such department or agency has
19 not provided to the Department of State the full amount
20 of funding required by subsection (e) of section 604 of
21 the Secure Embassy Construction and Counterterrorism
22 Act of 1999 (as enacted into law by section 1000(a)(7)
23 of Public Law 106-113 and contained in appendix G of
24 that Act; 113 Stat. 1501A-453), as amended by section
25 629 of the Departments of Commerce, Justice, and State,

1 the Judiciary, and Related Agencies Appropriations Act,
2 2005.

3 (b) Notwithstanding the prohibition in subsection (a),
4 a project to construct a diplomatic facility of the United
5 States may include office space or other accommodations
6 for members of the United States Marine Corps.

7 PERSONNEL ACTIONS

8 SEC. 7005. Any costs incurred by a department or
9 agency funded under title I of this Act resulting from per-
10 sonnel actions taken in response to funding reductions in-
11 cluded in this Act shall be absorbed within the total budg-
12 etary resources available under title I to such department
13 or agency: *Provided*, That the authority to transfer funds
14 between appropriations accounts as may be necessary to
15 carry out this section is provided in addition to authorities
16 included elsewhere in this Act: *Provided further*, That use
17 of funds to carry out this section shall be treated as a
18 reprogramming of funds under section 7015 ~~of title VII~~
19 of this Act and shall not be available for obligation or ex-
20 penditure except in compliance with the procedures set
21 forth in that section.

22 CONSULAR AFFAIRS REFORM

23 SEC. 7006. Not later than 60 days after the enact-
24 ment of this Act the Secretary of State shall certify and
25 report to the Committees on Appropriations that the De-
26 partment of State is implementing recommendations con-

1 tained in the Office of Inspector General audit “Review
2 of Controls and Notification for Access to Passport
3 Records in the Department of State’s Passport Informa-
4 tion Electronic Records System (PIERS)” (AUD/IP-08-
5 29), July 2008.

6 PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN
7 COUNTRIES

8 SEC. 7007. None of the funds appropriated or other-
9 wise made available pursuant to titles III through VI of
10 this Act shall be obligated or expended to finance directly
11 any assistance or reparations for the governments of
12 Cuba, North Korea, Iran, or Syria: *Provided*, That for
13 purposes of this section, the prohibition on obligations or
14 expenditures shall include direct loans, credits, insurance
15 and guarantees of the Export-Import Bank or its agents.

16 MILITARY COUPS

17 SEC. 7008. None of the funds appropriated or other-
18 wise made available pursuant to titles III through VI of
19 this Act shall be obligated or expended to finance directly
20 any assistance to the government of any country whose
21 duly elected head of government is deposed by military
22 coup or decree: *Provided*, That assistance may be resumed
23 to such government if the President determines and cer-
24 tifies to the Committees on Appropriations that subse-
25 quent to the termination of assistance a democratically
26 elected government has taken office: *Provided further*,

1 That the provisions of this section shall not apply to as-
2 sistance to promote democratic elections or public partici-
3 pation in democratic processes: *Provided further*, That
4 funds made available pursuant to the previous provisos
5 shall be subject to the regular notification procedures of
6 the Committees on Appropriations.

7
8 TRANSFER AUTHORITY

8 SEC. 7009. (a) DEPARTMENT OF STATE AND BROAD-
9 CASTING BOARD OF GOVERNORS.—Not to exceed 5 per-
10 cent of any appropriation made available for the current
11 fiscal year for the Department of State under title I of
12 this Act may be transferred between such appropriations,
13 but no such appropriation, except as otherwise specifically
14 provided, shall be increased by more than 10 percent by
15 any such transfers: *Provided*, That not to exceed 5 percent
16 of any appropriation made available for the current fiscal
17 year for the Broadcasting Board of Governors under title
18 I of this Act may be transferred between such appropria-
19 tions, but no such appropriation, except as otherwise spe-
20 cifically provided, shall be increased by more than 10 per-
21 cent by any such transfers: *Provided further*, That any
22 transfer pursuant to this section shall be treated as a re-
23 programming of funds under section 7015(a) and (b) of
24 this Act and shall not be available for obligation or ex-
25 penditure except in compliance with the procedures set
26 forth in that section.

1 (b) EXPORT FINANCING TRANSFER AUTHORITIES.—
2 Not to exceed 5 percent of any appropriation other than
3 for administrative expenses made available for fiscal year
4 2009, for programs under title VI of this Act may be
5 transferred between such appropriations for use for any
6 of the purposes, programs, and activities for which the
7 funds in such receiving account may be used, but no such
8 appropriation, except as otherwise specifically provided,
9 shall be increased by more than 25 percent by any such
10 transfer: *Provided*, That the exercise of such authority
11 shall be subject to the regular notification procedures of
12 the Committees on Appropriations.

13 (c)(1) LIMITATION ON TRANSFERS BETWEEN AGEN-
14 CIES.—None of the funds made available under titles II
15 through V of this Act may be transferred to any depart-
16 ment, agency, or instrumentality of the United States
17 Government, except pursuant to a transfer made by, or
18 transfer authority provided in, this Act or any other ap-
19 propriation Act.

20 (2) Notwithstanding paragraph (1), in addition to
21 transfers made by, or authorized elsewhere in, this Act,
22 funds appropriated by this Act to carry out the purposes
23 of the Foreign Assistance Act of 1961 may be allocated
24 or transferred to agencies of the United States Govern-

1 ment pursuant to the provisions of sections 109, 610, and
2 632 of the Foreign Assistance Act of 1961.

3 (d) TRANSFERS BETWEEN ACCOUNTS.—None of the
4 funds made available under titles II through V of this Act
5 may be obligated under an appropriation account to which
6 they were not appropriated, except for transfers specifi-
7 cally provided for in this Act, unless the President pro-
8 vides notification in accordance with the regular notifica-
9 tion procedures of the Committees on Appropriations.

10 (e) AUDIT OF INTER-AGENCY TRANSFERS.—Any
11 agreement for the transfer or allocation of funds appro-
12 priated by this Act, or prior Acts, entered into between
13 the United States Agency for International Development
14 and another agency of the United States Government
15 under the authority of section 632(a) of the Foreign As-
16 sistance Act of 1961 or any comparable provision of law,
17 shall expressly provide that the Office of the Inspector
18 General for the agency receiving the transfer or allocation
19 of such funds shall perform periodic program and financial
20 audits of the use of such funds: *Provided*, That funds
21 transferred under such authority may be made available
22 for the cost of such audits.

23 REPORTING REQUIREMENT

24 SEC. 7010. The Secretary of State shall provide the
25 Committees on Appropriations, not later than April 1,
26 2009, and for each fiscal quarter, a report in writing on

1 the uses of funds made available under the headings “For-
2 eign Military Financing Program”, “International Mili-
3 tary Education and Training”, and “Peacekeeping Oper-
4 ations”: *Provided*, That such report shall include a de-
5 scription of the obligation and expenditure of funds, and
6 the specific country in receipt of, and the use or purpose
7 of the assistance provided by such funds.

8

AVAILABILITY OF FUNDS

9 SEC. 7011. No part of any appropriation contained
10 in this Act shall remain available for obligation after the
11 expiration of the current fiscal year unless expressly so
12 provided in this Act: *Provided*, That funds appropriated
13 for the purposes of chapters 1, 8, 11, and 12 of part I,
14 section 661, section 667, chapters 4, 5, 6, 8, and 9 of
15 part II of the Foreign Assistance Act of 1961, section 23
16 of the Arms Export Control Act, and funds provided under
17 the headings “Assistance for Europe, Eurasia and Central
18 Asia” and “Development Credit Authority”, shall remain
19 available for an additional 4 years from the date on which
20 the availability of such funds would otherwise have ex-
21 pired, if such funds are initially obligated before the expi-
22 ration of their respective periods of availability contained
23 in this Act: *Provided further*, That, notwithstanding any
24 other provision of this Act, any funds made available for
25 the purposes of chapter 1 of part I and chapter 4 of part
26 II of the Foreign Assistance Act of 1961 which are allo-

1 cated or obligated for cash disbursements in order to ad-
2 dress balance of payments or economic policy reform ob-
3 jectives, shall remain available until expended.

4 LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

5 SEC. 7012. No part of any appropriation provided
6 under titles III through VI in this Act shall be used to
7 furnish assistance to the government of any country which
8 is in default during a period in excess of one calendar year
9 in payment to the United States of principal or interest
10 on any loan made to the government of such country by
11 the United States pursuant to a program for which funds
12 are appropriated under this Act unless the President de-
13 termines, following consultations with the Committees on
14 Appropriations, that assistance to such country is in the
15 national interest of the United States.

16 PROHIBITION ON TAXATION OF UNITED STATES

17 ASSISTANCE

18 SEC. 7013. (a) PROHIBITION ON TAXATION.—None
19 of the funds appropriated under titles III through VI of
20 this Act may be made available to provide assistance for
21 a foreign country under a new bilateral agreement gov-
22 erning the terms and conditions under which such assist-
23 ance is to be provided unless such agreement includes a
24 provision stating that assistance provided by the United
25 States shall be exempt from taxation, or reimbursed, by
26 the foreign government, and the Secretary of State shall

1 expeditiously seek to negotiate amendments to existing bi-
2 lateral agreements, as necessary, to conform with this re-
3 quirement.

4 (b) REIMBURSEMENT OF FOREIGN TAXES.—An
5 amount equivalent to 200 percent of the total taxes as-
6 sessed during fiscal year 2009 on funds appropriated by
7 this Act by a foreign government or entity against com-
8 modities financed under United States assistance pro-
9 grams for which funds are appropriated by this Act, either
10 directly or through grantees, contractors and subcontrac-
11 tors shall be withheld from obligation from funds appro-
12 priated for assistance for fiscal year 2010 and allocated
13 for the central government of such country and for the
14 West Bank and Gaza program to the extent that the Sec-
15 retary of State certifies and reports in writing to the Com-
16 mittees on Appropriations that such taxes have not been
17 reimbursed to the Government of the United States.

18 (c) DE MINIMIS EXCEPTION.—Foreign taxes of a de
19 minimis nature shall not be subject to the provisions of
20 subsection (b).

21 (d) REPROGRAMMING OF FUNDS.—Funds withheld
22 from obligation for each country or entity pursuant to sub-
23 section (b) shall be reprogrammed for assistance to coun-
24 tries which do not assess taxes on United States assistance

1 or which have an effective arrangement that is providing
2 substantial reimbursement of such taxes.

3 (e) DETERMINATIONS.—

4 (1) The provisions of this section shall not
5 apply to any country or entity the Secretary of State
6 determines—

7 (A) does not assess taxes on United States
8 assistance or which has an effective arrange-
9 ment that is providing substantial reimburse-
10 ment of such taxes; or

11 (B) the foreign policy interests of the
12 United States outweigh the purpose of this sec-
13 tion to ensure that United States assistance is
14 not subject to taxation.

15 (2) The Secretary of State shall consult with
16 the Committees on Appropriations at least 15 days
17 prior to exercising the authority of this subsection
18 with regard to any country or entity.

19 (f) IMPLEMENTATION.—The Secretary of State shall
20 issue rules, regulations, or policy guidance, as appropriate,
21 to implement the prohibition against the taxation of assist-
22 ance contained in this section.

23 (g) DEFINITIONS.—As used in this section—

24 (1) the terms “taxes” and “taxation” refer to
25 value added taxes and customs duties imposed on

1 commodities financed with United States assistance
2 for programs for which funds are appropriated by
3 this Act; and

4 (2) the term "bilateral agreement" refers to a
5 framework bilateral agreement between the Govern-
6 ment of the United States and the government of
7 the country receiving assistance that describes the
8 privileges and immunities applicable to United
9 States foreign assistance for such country generally,
10 or an individual agreement between the Government
11 of the United States and such government that de-
12 scribes, among other things, the treatment for tax
13 purposes that will be accorded the United States as-
14 sistance provided under that agreement.

15 RESERVATIONS OF FUNDS

16 SEC. 7014. (a) Funds appropriated under titles II
17 through VI of this Act which are specifically designated
18 may be reprogrammed for other programs within the same
19 account notwithstanding the designation if compliance
20 with the designation is made impossible by operation of
21 any provision of this or any other Act: *Provided*, That any
22 such reprogramming shall be subject to the regular notifi-
23 cation procedures of the Committees on Appropriations:
24 *Provided further*, That assistance that is reprogrammed

1 pursuant to this subsection shall be made available under
2 the same terms and conditions as originally provided.

3 (b) In addition to the authority contained in sub-
4 section (a), the original period of availability of funds ap-
5 propriated by this Act and administered by the United
6 States Agency for International Development that are spe-
7 cifically designated for particular programs or activities by
8 this or any other Act shall be extended for an additional
9 fiscal year if the Administrator of such agency determines
10 and reports promptly to the Committees on Appropria-
11 tions that the termination of assistance to a country or
12 a significant change in circumstances makes it unlikely
13 that such designated funds can be obligated during the
14 original period of availability: *Provided*, That such des-
15 igned funds that continue to be available for an addi-
16 tional fiscal year shall be obligated only for the purpose
17 of such designation.

18 (c) Ceilings and specifically designated funding levels
19 contained in this Act shall not be applicable to funds or
20 authorities appropriated or otherwise made available by
21 any subsequent Act unless such Act specifically so directs:
22 *Provided*, That specifically designated funding levels or
23 minimum funding requirements contained in any other
24 Act shall not be applicable to funds appropriated by this
25 Act.

1 REPROGRAMMING NOTIFICATION REQUIREMENTS

2 SEC. 7015. (a) None of the funds made available in
3 title I of this Act, or in prior appropriations Acts to the
4 agencies and departments funded by this Act that remain
5 available for obligation or expenditure in fiscal year 2009,
6 or provided from any accounts in the Treasury of the
7 United States derived by the collection of fees or of cur-
8 rency reflows or other offsetting collections, or made avail-
9 able by transfer, to the agencies and departments funded
10 by this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds that: (1) creates new
12 programs; (2) eliminates a program, project, or activity;
13 (3) increases funds or personnel by any means for any
14 project or activity for which funds have been denied or
15 restricted; (4) relocates an office or employees; (5) closes
16 or opens a mission or post; (6) reorganizes or renames
17 offices; (7) reorganizes programs or activities; or (8) con-
18 tracts out or privatizes any functions or activities pres-
19 ently performed by Federal employees; unless the Commit-
20 tees on Appropriations are notified 15 days in advance of
21 such reprogramming of funds.

22 (b) For the purposes of providing the executive
23 branch with the necessary administrative flexibility, none
24 of the funds provided under title I of this Act, or provided
25 under previous appropriations Acts to the agency or de-

1 partment funded under title I of this Act that remain
2 available for obligation or expenditure in fiscal year 2009,
3 or provided from any accounts in the Treasury of the
4 United States derived by the collection of fees available
5 to the agency or department funded by title I of this Act,
6 shall be available for obligation or expenditure for activi-
7 ties, programs, or projects through a reprogramming of
8 funds in excess of \$750,000 or 10 percent, whichever is
9 less, that: (1) augments existing programs, projects, or ac-
10 tivities; (2) reduces by 10 percent funding for any existing
11 program, project, or activity, or numbers of personnel by
12 10 percent as approved by Congress; or (3) results from
13 any general savings, including savings from a reduction
14 in personnel, which would result in a change in existing
15 programs, activities, or projects as approved by Congress;
16 unless the Committees on Appropriations are notified 15
17 days in advance of such reprogramming of funds.

18 (c) For the purposes of providing the executive
19 branch with the necessary administrative flexibility, none
20 of the funds made available under titles II through V in
21 this Act under the headings "Global Health and Child
22 Survival", "Development Assistance", "International Or-
23 ganizations and Programs", "Trade and Development
24 Agency", "International Narcotics Control and Law En-
25 forcement", "Andean Counterdrug Programs", "Assist-

1 ance for Europe, Eurasia and Central Asia”, “Economic
2 Support Fund”, “Democracy Fund”, “Peacekeeping Op-
3 erations”, “Capital Investment Fund”, “Operating Ex-
4 penses”, “Office of Inspector General”, “Nonproliferation,
5 Anti-terrorism, Demining and Related Programs”, “Mil-
6 lennium Challenge Corporation”, “Foreign Military Fi-
7 nancing Program”, “International Military Education and
8 Training”, “Peace Corps”, and “Migration and Refugee
9 Assistance”, shall be available for obligation for activities,
10 programs, projects, type of materiel assistance, countries,
11 or other operations not justified or in excess of the amount
12 justified to the Committees on Appropriations for obliga-
13 tion under any of these specific headings unless the Com-
14 mittees on Appropriations are previously notified 15 days
15 in advance: *Provided*, That the President shall not enter
16 into any commitment of funds appropriated for the pur-
17 poses of section 23 of the Arms Export Control Act for
18 the provision of major defense equipment, other than con-
19 ventional ammunition, or other major defense items de-
20 fined to be aircraft, ships, missiles, or combat vehicles, not
21 previously justified to Congress or 20 percent in excess
22 of the quantities justified to Congress unless the Commit-
23 tees on Appropriations are notified 15 days in advance of
24 such commitment: *Provided further*, That this subsection
25 shall not apply to any reprogramming for an activity, pro-

1 gram, or project for which funds are appropriated under
2 titles II through IV of this Act of less than 10 percent
3 of the amount previously justified to the Congress for obli-
4 gation for such activity, program, or project for the cur-
5 rent fiscal year.

6 (d) Notwithstanding any other provision of law, funds
7 transferred by the Department of Defense to the Depart-
8 ment of State and the United States Agency for Inter-
9 national Development, and funds made available for pro-
10 grams authorized by section 1206 of the National Defense
11 Authorization Act for Fiscal Year 2006 (Public Law 109–
12 163), shall be subject to the regular notification proce-
13 dures of the Committees on Appropriations, and the agen-
14 cy receiving the transfer or allocation shall perform peri-
15 odic program financial audits of the use of such funds and
16 such funds may be made available for the cost of such
17 audits.

18 (e) The requirements of this section or any similar
19 provision of this Act or any other Act, including any prior
20 Act requiring notification in accordance with the regular
21 notification procedures of the Committees on Appropria-
22 tions, may be waived if failure to do so would pose a sub-
23 stantial risk to human health or welfare: *Provided*, That
24 in case of any such waiver, notification to the Congress,
25 or the appropriate congressional committees, shall be pro-

1 vided as early as practicable, but in no event later than
2 3 days after taking the action to which such notification
3 requirement was applicable, in the context of the cir-
4 cumstances necessitating such waiver: *Provided further,*
5 That any notification provided pursuant to such a waiver
6 shall contain an explanation of the emergency cir-
7 cumstances.

8 (f) None of the funds appropriated under titles III
9 through VI of this Act shall be obligated or expended for
10 assistance for Serbia, Sudan, Zimbabwe, Pakistan, Do-
11 minican Republic, Cuba, Iran, Haiti, Libya, Ethiopia,
12 Nepal, Mexico, or Cambodia and countries listed in section
13 7045(f)(4) of this Act except as provided through the reg-
14 ular notification procedures of the Committees on Appro-
15 priations.

16 NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

17 SEC. 7016. Prior to providing excess Department of
18 Defense articles in accordance with section 516(a) of the
19 Foreign Assistance Act of 1961, the Department of De-
20 fense shall notify the Committees on Appropriations to the
21 same extent and under the same conditions as other com-
22 mittees pursuant to subsection (f) of that section: *Pro-*
23 *vided,* That before issuing a letter of offer to sell excess
24 defense articles under the Arms Export Control Act, the
25 Department of Defense shall notify the Committees on
26 Appropriations in accordance with the regular notification

1 procedures of such Committees if such defense articles are
2 significant military equipment (as defined in section 47(9)
3 of the Arms Export Control Act) or are valued (in terms
4 of original acquisition cost) at \$7,000,000 or more, or if
5 notification is required elsewhere in this Act for the use
6 of appropriated funds for specific countries that would re-
7 ceive such excess defense articles: *Provided further*, That
8 such Committees shall also be informed of the original ac-
9 quisition cost of such defense articles.

10 LIMITATION ON AVAILABILITY OF FUNDS FOR
11 INTERNATIONAL ORGANIZATIONS AND PROGRAMS

12 SEC. 7017. Subject to the regular notification proce-
13 dures of the Committees on Appropriations, funds appro-
14 priated under titles III through VI of this Act or any pre-
15 viously enacted Act making appropriations for the Depart-
16 ment of State, foreign operations, and related programs,
17 which are returned or not made available for organizations
18 and programs because of the implementation of section
19 307(a) of the Foreign Assistance Act of 1961, shall re-
20 main available for obligation until September 30, 2010.

21 PROHIBITION ON FUNDING FOR ABORTIONS AND
22 INVOLUNTARY STERILIZATION

23 SEC. 7018. None of the funds made available to carry
24 out part I of the Foreign Assistance Act of 1961, as
25 amended, may be used to pay for the performance of abor-

1 tions as a method of family planning or to motivate or
2 coerce any person to practice abortions. None of the funds
3 made available to carry out part I of the Foreign Assist-
4 ance Act of 1961, as amended, may be used to pay for
5 the performance of involuntary sterilization as a method
6 of family planning or to coerce or provide any financial
7 incentive to any person to undergo sterilizations. None of
8 the funds made available to carry out part I of the Foreign
9 Assistance Act of 1961, as amended, may be used to pay
10 for any biomedical research which relates in whole or in
11 part, to methods of, or the performance of, abortions or
12 involuntary sterilization as a means of family planning.
13 None of the funds made available to carry out part I of
14 the Foreign Assistance Act of 1961, as amended, may be
15 obligated or expended for any country or organization if
16 the President certifies that the use of these funds by any
17 such country or organization would violate any of the
18 above provisions related to abortions and involuntary steri-
19 lizations.

20

ALLOCATIONS

21 SEC. 7019. (a) Funds provided in this Act for the
22 following accounts shall be made available for programs
23 and countries in the amounts contained in the respective
24 tables included in the explanatory statement described in
25 section 4 (in the matter preceding division A of this con-
26 solidated Act):

1 “Educational and Cultural Exchange Pro-
2 grams”.

3 “International Fisheries Commissions”.

4 “International Broadcasting Operations”.

5 “Global Health and Child Survival”.

6 “Development Assistance”.

7 “Economic Support Fund”.

8 ~~“Democracy Fund”~~

9 “Assistance for Europe, Eurasia and Central
10 Asia”.

11 ~~“International Narcotics Control and Law En-
12 forcement”~~

13 “Andean Counterdrug Programs”.

14 “Nonproliferation, Anti-Terrorism, Demining
15 and Related Programs”.

16 “Foreign Military Financing Program”.

17 “International Organizations and Programs”.

18 (b) For the purposes of implementing this section and
19 only with respect to the tables included in the explanatory
20 statement described in section 4 (in the matter preceding
21 division A of this consolidated Act), the Secretary of State,
22 Administrator of the United States Agency for Inter-
23 national Development and the Broadcasting Board of Gov-
24 ernors, as appropriate, may propose deviations to the
25 amounts referenced in subsection (a), subject to the reg-

1 ular notification procedures of the Committees on Appro-
 2 priations and section 634A of the Foreign Assistance Act
 3 of 1961.

4 (c) The requirements contained in subsection (a)
 5 shall apply to the table under the heading "Bilateral Eco-
 6 nomic Assistance" in such explanatory statement.

7 PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

8 SEC. 7020. None of the funds appropriated or other-
 9 wise made available by this Act under the headings "Inter-
 10 national Military Education and Training" or "Foreign
 11 Military Financing Program" for Informational Program
 12 activities or under the headings "Global Health and Child
 13 Survival", "Development Assistance", and "Economic
 14 Support Fund" may be obligated or expended to pay for—

- 15 (1) alcoholic beverages; or
 16 (2) entertainment expenses for activities that
 17 are substantially of a recreational character, includ-
 18 ing but not limited to entrance fees at sporting
 19 events, theatrical and musical productions, and
 20 amusement parks.

21 PROHIBITION ON ASSISTANCE TO FOREIGN GOVERN-
 22 MENTS THAT EXPORT LETHAL MILITARY EQUIP-
 23 MENT TO COUNTRIES SUPPORTING INTERNATIONAL
 24 TERRORISM

25 SEC. 7021. (a) None of the funds appropriated or
 26 otherwise made available by titles III through VI of this

(s
 and "General
 Provisions"

1 Act may be available to any foreign government which pro-
2 vides lethal military equipment to a country the govern-
3 ment of which the Secretary of State has determined is
4 a government that supports international terrorism for
5 purposes of section 6(j) of the Export Administration Act
6 of 1979. The prohibition under this section with respect
7 to a foreign government shall terminate 12 months after
8 that government ceases to provide such military equip-
9 ment. This section applies with respect to lethal military
10 equipment provided under a contract entered into after
11 October 1, 1997.

12 (b) Assistance restricted by subsection (a) or any
13 other similar provision of law, may be furnished if the
14 President determines that furnishing such assistance is
15 important to the national interests of the United States.

16 (c) Whenever the President makes a determination
17 pursuant to subsection (b), the President shall submit to
18 the appropriate congressional committees a report with re-
19 spect to the furnishing of such assistance. Any such report
20 shall include a detailed explanation of the assistance to
21 be provided, including the estimated dollar amount of such
22 assistance, and an explanation of how the assistance fur-
23 thers United States national interests.

1 PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST
2 COUNTRIES

3 SEC. 7022. (a) Funds appropriated for bilateral as-
4 sistance under any heading in titles III through VI of this
5 Act and funds appropriated under any such heading in
6 a provision of law enacted prior to the enactment of this
7 Act, shall not be made available to any country which the
8 President determines—

9 (1) grants sanctuary from prosecution to any
10 individual or group which has committed an act of
11 international terrorism; or

12 (2) otherwise supports international terrorism.

13 (b) The President may waive the application of sub-
14 section (a) to a country if the President determines that
15 national security or humanitarian reasons justify such
16 waiver. The President shall publish each waiver in the
17 Federal Register and, at least 15 days before the waiver
18 takes effect, shall notify the Committees on Appropria-
19 tions of the waiver (including the justification for the waiv-
20 er) in accordance with the regular notification procedures
21 of the Committees on Appropriations.

22 AUTHORIZATION REQUIREMENTS

23 SEC. 7023. Funds appropriated by this Act, except
24 funds appropriated under the heading “Trade and Devel-
25 opment Agency”, may be obligated and expended notwith-

1 standing section 10 of Public Law 91-672, section 15 of
2 the State Department Basic Authorities Act of 1956, sec-
3 tion 313 of the Foreign Relations Authorization Act, Fis-
4 cal Years 1994 and 1995 (Public Law 103-236), and sec-
5 tion 504(a)(1) of the National Security Act of 1947 (50
6 U.S.C. 414(a)(1)).

7 DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

8 SEC. 7024. For the purpose of titles II through VI
9 of this Act “program, project, and activity” shall be de-
10 fined at the appropriations Act account level and shall in-
11 clude all appropriations and authorizations Acts funding
12 directives, ceilings, and limitations with the exception that
13 for the following accounts: “Economic Support Fund” and
14 “Foreign Military Financing Program”, “program,
15 project, and activity” shall also be considered to include
16 country, regional, and central program level funding with-
17 in each such account; for the development assistance ac-
18 counts of the United States Agency for International De-
19 velopment “program, project, and activity” shall also be
20 considered to include central, country, regional, and pro-
21 gram level funding, either as: (1) justified to the Congress;
22 or (2) allocated by the executive branch in accordance with
23 a report, to be provided to the Committees on Appropria-
24 tions within 30 days of the enactment of this Act, as re-
25 quired by section 653(a) of the Foreign Assistance Act
26 of 1961.

1 AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN
2 FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

3 SEC. 7025. Unless expressly provided to the contrary,
4 provisions of this or any other Act, including provisions
5 contained in prior Acts authorizing or making appropria-
6 tions for the Department of State, foreign operations, and
7 related programs, shall not be construed to prohibit activi-
8 ties authorized by or conducted under the Peace Corps
9 Act, the Inter-American Foundation Act or the African
10 Development Foundation Act. The agency shall promptly
11 report to the Committees on Appropriations whenever it
12 is conducting activities or is proposing to conduct activi-
13 ties in a country for which assistance is prohibited.

14 COMMERCE, TRADE AND SURPLUS COMMODITIES

15 SEC. 7026. (a) None of the funds appropriated or
16 made available pursuant to titles III through VI of this
17 Act for direct assistance and none of the funds otherwise
18 made available to the Export-Import Bank and the Over-
19 seas Private Investment Corporation shall be obligated or
20 expended to finance any loan, any assistance or any other
21 financial commitments for establishing or expanding pro-
22 duction of any commodity for export by any country other
23 than the United States, if the commodity is likely to be
24 in surplus on world markets at the time the resulting pro-
25 ductive capacity is expected to become operative and if the

1 assistance will cause substantial injury to United States
2 producers of the same, similar, or competing commodity:
3 *Provided*, That such prohibition shall not apply to the Ex-
4 port-Import Bank if in the judgment of its Board of Direc-
5 tors the benefits to industry and employment in the
6 United States are likely to outweigh the injury to United
7 States producers of the same, similar, or competing com-
8 modity, and the Chairman of the Board so notifies the
9 Committees on Appropriations.

10 (b) None of the funds appropriated by this or any
11 other Act to carry out chapter 1 of part I of the Foreign
12 Assistance Act of 1961 shall be available for any testing
13 or breeding feasibility study, variety improvement or intro-
14 duction, consultancy, publication, conference, or training
15 in connection with the growth or production in a foreign
16 country of an agricultural commodity for export which
17 would compete with a similar commodity grown or pro-
18 duced in the United States: *Provided*, That this subsection
19 shall not prohibit—

20 (1) activities designed to increase food security
21 in developing countries where such activities will not
22 have a significant impact on the export of agricul-
23 tural commodities of the United States; or

24 (2) research activities intended primarily to
25 benefit American producers.

1 (c) The Secretary of the Treasury shall instruct the
2 United States Executive Directors of the International
3 Bank for Reconstruction and Development, the Inter-
4 national Development Association, the International Fi-
5 nance Corporation, the Inter-American Development
6 Bank, the International Monetary Fund, the Asian Devel-
7 opment Bank, the Inter-American Investment Corpora-
8 tion, the North American Development Bank, the Euro-
9 pean Bank for Reconstruction and Development, the Afri-
10 can Development Bank, and the African Development
11 Fund to use the voice and vote of the United States to
12 oppose any assistance by these institutions, using funds
13 appropriated or made available pursuant to titles III
14 through VI of this Act, for the production or extraction
15 of any commodity or mineral for export, if it is in surplus
16 on world markets and if the assistance will cause substan-
17 tial injury to United States producers of the same, similar,
18 or competing commodity.

19 SEPARATE ACCOUNTS

20 SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL
21 CURRENCIES.—

22 (1) If assistance is furnished to the government
23 of a foreign country under chapters 1 and 10 of part
24 I or chapter 4 of part II of the Foreign Assistance
25 Act of 1961 under agreements which result in the
26 generation of local currencies of that country, the

1 Administrator of the United States Agency for
2 International Development shall—

3 (A) require that local currencies be depos-
4 ited in a separate account established by that
5 government;

6 (B) enter into an agreement with that gov-
7 ernment which sets forth—

8 (i) the amount of the local currencies
9 to be generated; and

10 (ii) the terms and conditions under
11 which the currencies so deposited may be
12 utilized, consistent with this section; and

13 (C) establish by agreement with that gov-
14 ernment the responsibilities of the United
15 States Agency for International Development
16 and that government to monitor and account
17 for deposits into and disbursements from the
18 separate account.

19 (2) USES OF LOCAL CURRENCIES.—As may be
20 agreed upon with the foreign government, local cur-
21 rencies deposited in a separate account pursuant to
22 subsection (a), or an equivalent amount of local cur-
23 rencies, shall be used only—

1 (A) to carry out chapter 1 or 10 of part
2 I or chapter 4 of part II (as the case may be),
3 for such purposes as—

4 (i) project and sector assistance activi-
5 ties; or

6 (ii) debt and deficit financing; or

7 (B) for the administrative requirements of
8 the United States Government.

9 (3) PROGRAMMING ACCOUNTABILITY.—The
10 United States Agency for International Development
11 shall take all necessary steps to ensure that the
12 equivalent of the local currencies disbursed pursuant
13 to subsection (a)(2)(A) from the separate account
14 established pursuant to subsection (a)(1) are used
15 for the purposes agreed upon pursuant to subsection
16 (a)(2).

17 (4) TERMINATION OF ASSISTANCE PRO-
18 GRAMS.—Upon termination of assistance to a coun-
19 try under chapter 1 or 10 of part I or chapter 4 of
20 part II (as the case may be), any unencumbered bal-
21 ances of funds which remain in a separate account
22 established pursuant to subsection (a) shall be dis-
23 posed of for such purposes as may be agreed to by
24 the government of that country and the United
25 States Government.

1 (5) REPORTING REQUIREMENT.—The Adminis-
2 trator of the United States Agency for International
3 Development shall report on an annual basis as part
4 of the justification documents submitted to the Com-
5 mittees on Appropriations on the use of local cur-
6 rencies for the administrative requirements of the
7 United States Government as authorized in sub-
8 section (a)(2)(B), and such report shall include the
9 amount of local currency (and United States dollar
10 equivalent) used and/or to be used for such purpose
11 in each applicable country.

12 (b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

13 (1) If assistance is made available to the gov-
14 ernment of a foreign country, under chapter 1 or 10
15 of part I or chapter 4 of part II of the Foreign As-
16 sistance Act of 1961, as cash transfer assistance or
17 as nonproject sector assistance, that country shall be
18 required to maintain such funds in a separate ac-
19 count and not commingle them with any other
20 funds.

21 (2) APPLICABILITY OF OTHER PROVISIONS OF
22 LAW.—Such funds may be obligated and expended
23 notwithstanding provisions of law which are incon-
24 sistent with the nature of this assistance including
25 provisions which are referenced in the Joint Explan-

1 atory Statement of the Committee of Conference ac-
2 companying House Joint Resolution 648 (House Re-
3 port No. 98-1159).

4 (3) NOTIFICATION.—At least 15 days prior to
5 obligating any such cash transfer or nonproject sec-
6 tor assistance, the President shall submit a notifica-
7 tion through the regular notification procedures of
8 the Committees on Appropriations, which shall in-
9 clude a detailed description of how the funds pro-
10 posed to be made available will be used, with a dis-
11 cussion of the United States interests that will be
12 served by the assistance (including, as appropriate,
13 a description of the economic policy reforms that will
14 be promoted by such assistance).

15 (4) EXEMPTION.—Nonproject sector assistance
16 funds may be exempt from the requirements of sub-
17 section (b)(1) only through the notification proce-
18 dures of the Committees on Appropriations.

19 ELIGIBILITY FOR ASSISTANCE

20 SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERN-
21 MENTAL ORGANIZATIONS.—Restrictions contained in this
22 or any other Act with respect to assistance for a country
23 shall not be construed to restrict assistance in support of
24 programs of nongovernmental organizations from funds
25 appropriated by this Act to carry out the provisions of
26 chapters 1, 10, 11, and 12 of part I and chapter 4 of

1 part II of the Foreign Assistance Act of 1961, and from
2 funds appropriated under the heading “Assistance for Eu-
3 rope, Eurasia and Central Asia”: *Provided*, That before
4 using the authority of this subsection to furnish assistance
5 in support of programs of nongovernmental organizations,
6 the President shall notify the Committees on Appropria-
7 tions under the regular notification procedures of those
8 committees, including a description of the program to be
9 assisted, the assistance to be provided, and the reasons
10 for furnishing such assistance: *Provided further*, That
11 nothing in this subsection shall be construed to alter any
12 existing statutory prohibitions against abortion or involun-
13 tary sterilizations contained in this or any other Act.

14 (b) PUBLIC LAW 480.—During fiscal year 2009, re-
15 strictions contained in this or any other Act with respect
16 to assistance for a country shall not be construed to re-
17 strict assistance under the Agricultural Trade Develop-
18 ment and Assistance Act of 1954: *Provided*, That none
19 of the funds appropriated to carry out title I of such Act
20 and made available pursuant to this subsection may be
21 obligated or expended except as provided through the reg-
22 ular notification procedures of the Committees on Appro-
23 priations.

24 (c) EXCEPTION.—This section shall not apply—

1 (1) with respect to section 620A of the Foreign
2 Assistance Act of 1961 or any comparable provision
3 of law prohibiting assistance to countries that sup-
4 port international terrorism; or

5 (2) with respect to section 116 of the Foreign
6 Assistance Act of 1961 or any comparable provision
7 of law prohibiting assistance to the government of a
8 country that violates internationally recognized
9 human rights.

10 IMPACT ON JOBS IN THE UNITED STATES

11 SEC. 7029. None of the funds appropriated under ti-
12 tles III through VI of this Act may be obligated or ex-
13 pended to provide—

14 (1) any financial incentive to a business enter-
15 prise currently located in the United States for the
16 purpose of inducing such an enterprise to relocate
17 outside the United States if such incentive or in-
18 ducement is likely to reduce the number of employ-
19 ees of such business enterprise in the United States
20 because United States production is being replaced
21 by such enterprise outside the United States; or

22 (2) assistance for any program, project, or ac-
23 tivity that contributes to the violation of internation-
24 ally recognized workers rights, as defined in section
25 507(4) of the Trade Act of 1974, of workers in the

1 recipient country, including any designated zone or
2 area in that country: *Provided*, That the application
3 of section 507(4)(D) and (E) of such Act should be
4 commensurate with the level of development of the
5 recipient country and sector, and shall not preclude
6 assistance for the informal sector in such country,
7 micro and small-scale enterprise, and smallholder
8 agriculture.

9 INTERNATIONAL FINANCIAL INSTITUTIONS

10 SEC. 7030. (a) ~~No~~ funds appropriated in title V of
11 this Act may be made as payment to any international
12 financial institution while the United States Executive Di-
13 rector to such institution is compensated by the institution
14 at a rate which, together with whatever compensation such
15 Director receives from the United States, is in excess of
16 the rate provided for an individual occupying a position
17 at level IV of the Executive Schedule under section 5315
18 of title 5, United States Code, or while any alternate
19 United States Director to such institution is compensated
20 by the institution at a rate in excess of the rate provided
21 for an individual occupying a position at level V of the
22 Executive Schedule under section 5316 of title 5, United
23 States Code.

24 (b) The Secretary of the Treasury shall instruct the
25 United States Executive Director at each international fi-

None of the

1 nancial institution to oppose any loan, grant, strategy or
2 policy of these institutions that would require user fees
3 or service charges on poor people for primary education
4 or primary healthcare, including prevention, care and
5 treatment for HIV/AIDS, malaria, tuberculosis, and in-
6 fant, child, and maternal well-being, in connection with the
7 institutions' financing programs.

8 (c) The Secretary of the Treasury shall instruct the
9 United States Executive Director at the International
10 Monetary Fund to use the voice and vote of the United
11 States to oppose any loan, project, agreement, memo-
12 randum, instrument, or other program of the Inter-
13 national Monetary Fund that would not exempt increased
14 government spending on health care or education from na-
15 tional budget caps or restraints, hiring or wage bill ceilings
16 or other limits imposed by the International Monetary
17 Fund in Heavily Indebted Poor Countries.

18 (d) For purposes of this section "international finan-
19 cial institutions" are the International Bank for Recon-
20 struction and Development, the Inter-American Develop-
21 ment Bank, the Asian Development Bank, the Asian De-
22 velopment Fund, the African Development Bank, the Afri-
23 can Development Fund, the International Monetary Fund,
24 the North American Development Bank, and the Euro-
25 pean Bank for Reconstruction and Development.

1 DEBT-FOR-DEVELOPMENT

2 SEC. 7031. In order to enhance the continued partici-
3 pation of nongovernmental organizations in debt-for-devel-
4 opment and debt-for-nature exchanges, a nongovern-
5 mental organization which is a grantee or contractor of
6 the United States Agency for International Development
7 may place in interest bearing accounts local currencies
8 which accrue to that organization as a result of economic
9 assistance provided under title III of this Act and, subject
10 to the regular notification procedures of the Committees
11 on Appropriations, any interest earned on such investment
12 shall be used for the purpose for which the assistance was
13 provided to that organization.

14 AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

15 SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUC-
16 TION, OR CANCELLATION.—

17 (1) AUTHORITY TO SELL, REDUCE, OR CANCEL
18 CERTAIN LOANS.—Notwithstanding any other provi-
19 sion of law, the President may, in accordance with
20 this section, sell to any eligible purchaser any
21 concessional loan or portion thereof made before
22 January 1, 1995, pursuant to the Foreign Assist-
23 ance Act of 1961, to the government of any eligible
24 country as defined in section 702(6) of that Act or
25 on receipt of payment from an eligible purchaser, re-

1 duce or cancel such loan or portion thereof, only for
2 the purpose of facilitating—

3 (A) debt-for-equity swaps, debt-for-develop-
4 ment swaps, or debt-for-nature swaps; or

5 (B) a debt buyback by an eligible country
6 of its own qualified debt, only if the eligible
7 country uses an additional amount of the local
8 currency of the eligible country, equal to not
9 less than 40 percent of the price paid for such
10 debt by such eligible country, or the difference
11 between the price paid for such debt and the
12 face value of such debt, to support activities
13 that link conservation and sustainable use of
14 natural resources with local community develop-
15 ment, and child survival and other child devel-
16 opment, in a manner consistent with sections
17 707 through 710 of the Foreign Assistance Act
18 of 1961, if the sale, reduction, or cancellation
19 would not contravene any term or condition of
20 any prior agreement relating to such loan.

21 (2) TERMS AND CONDITIONS.—Notwithstanding
22 any other provision of law, the President shall, in ac-
23 cordance with this section, establish the terms and
24 conditions under which loans may be sold, reduced,
25 or canceled pursuant to this section.

1 (3) ADMINISTRATION.—The Facility, as defined
2 in section 702(8) of the Foreign Assistance Act of
3 1961, shall notify the administrator of the agency
4 primarily responsible for administering part I of the
5 Foreign Assistance Act of 1961 of purchasers that
6 the President has determined to be eligible, and
7 shall direct such agency to carry out the sale, reduc-
8 tion, or cancellation of a loan pursuant to this sec-
9 tion. Such agency shall make adjustment in its ac-
10 counts to reflect the sale, reduction, or cancellation.

11 (4) LIMITATION.—The authorities of this sub-
12 section shall be available only to the extent that ap-
13 propriations for the cost of the modification, as de-
14 fined in section 502 of the Congressional Budget Act
15 of 1974, are made in advance.

16 (b) DEPOSIT OF PROCEEDS.—The proceeds from the
17 sale, reduction, or cancellation of any loan sold, reduced,
18 or canceled pursuant to this section shall be deposited in
19 the United States Government account or accounts estab-
20 lished for the repayment of such loan.

21 (c) ELIGIBLE PURCHASERS.—A loan may be sold
22 pursuant to subsection (a)(1)(A) only to a purchaser who
23 presents plans satisfactory to the President for using the
24 loan for the purpose of engaging in debt-for-equity swaps,
25 debt-for-development swaps, or debt-for-nature swaps.

1 (d) DEBTOR CONSULTATIONS.—Before the sale to
2 any eligible purchaser, or any reduction or cancellation
3 pursuant to this section, of any loan made to an eligible
4 country, the President should consult with the country
5 concerning the amount of loans to be sold, reduced, or
6 canceled and their uses for debt-for-equity swaps, debt-
7 for-development swaps, or debt-for-nature swaps.

8 (e) AVAILABILITY OF FUNDS.—The authority pro-
9 vided by subsection (a) may be used only with regard to
10 funds appropriated by this Act under the heading “Debt
11 Restructuring”.

12 SPECIAL DEBT RELIEF FOR THE POOREST

13 SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The
14 President may reduce amounts owed to the United States
15 (or any agency of the United States) by an eligible country
16 as a result of—

17 (1) guarantees issued under sections 221 and
18 222 of the Foreign Assistance Act of 1961;

19 (2) credits extended or guarantees issued under
20 the Arms Export Control Act; or

21 (3) any obligation or portion of such obligation,
22 to pay for purchases of United States agricultural
23 commodities guaranteed by the Commodity Credit
24 Corporation under export credit guarantee programs
25 authorized pursuant to section 5(f) of the Com-
26 modity Credit Corporation Charter Act of June 29,

1 1948, as amended, section 4(b) of the Food for
2 Peace Act of 1966, as amended (Public Law 89–
3 808), or section 202 of the Agricultural Trade Act
4 of 1978, as amended (Public Law 95–501).

5 (b) LIMITATIONS.—

6 (1) The authority provided by subsection (a)
7 may be exercised only to implement multilateral offi-
8 cial debt relief and referendum agreements, com-
9 monly referred to as “Paris Club Agreed Minutes”.

10 (2) The authority provided by subsection (a)
11 may be exercised only in such amounts or to such
12 extent as is provided in advance by appropriations
13 Acts.

14 (3) The authority provided by subsection (a)
15 may be exercised only with respect to countries with
16 heavy debt burdens that are eligible to borrow from
17 the International Development Association, but not
18 from the International Bank for Reconstruction and
19 Development, commonly referred to as “IDA-only”
20 countries.

21 (c) CONDITIONS.—The authority provided by sub-
22 section (a) may be exercised only with respect to a country
23 whose government—

24 (1) does not have an excessive level of military
25 expenditures;

1 CHILDREN, AND DISPLACED BURMESE.—Funds appro-
2 priated under titles III through VI of this Act that are
3 made available for assistance for Afghanistan may be
4 made available notwithstanding section 7012 of this Act
5 or any similar provision of law and section 660 of the For-
6 eign Assistance Act of 1961, and funds appropriated in
7 titles III and VI of this Act that are made available for
8 Iraq, Lebanon, Montenegro, Pakistan, and for victims of
9 war, displaced children, and displaced Burmese, and to as-
10 sist victims of trafficking in persons and, subject to the
11 regular notification procedures of the Committees on Ap-
12 propriations, to combat such trafficking, may be made
13 available notwithstanding any other provision of law.

14 (b)(1) WAIVER.—The President may waive the provi-
15 sions of section 1003 of Public Law 100–204 if the Presi-
16 dent determines and certifies in writing to the Speaker
17 of the House of Representatives and the President pro
18 tempore of the Senate that it is important to the national
19 security interests of the United States.

20 (2) PERIOD OF APPLICATION OF WAIVER.—Any
21 waiver pursuant to paragraph (1) shall be effective for no
22 more than a period of 6 months at a time and shall not
23 apply beyond 12 months after the enactment of this Act.

24 (c) SMALL BUSINESS.—In entering into multiple
25 award indefinite-quantity contracts with funds appro-

1 priated by this Act, the United States Agency for Inter-
2 national Development may provide an exception to the fair
3 opportunity process for placing task orders under such
4 contracts when the order is placed with any category of
5 small or small disadvantaged business.

6 (d) VIETNAMESE REFUGEES.—Section 594(a) of the
7 Foreign Operations, Export Financing, and Related Pro-
8 grams Appropriations Act, 2005 (enacted as division D
9 of Public Law 108–447; 118 Stat. 3038) is amended by
10 striking “2009” and inserting “2010”.

11 (e) RECONSTITUTING CIVILIAN POLICE AUTHOR-
12 ITY.—In providing assistance with funds appropriated by
13 this Act under section 660(b)(6) of the Foreign Assistance
14 Act of 1961, support for a nation emerging from insta-
15 bility may be deemed to mean support for regional, dis-
16 trict, municipal, or other sub-national entity emerging
17 from instability, as well as a nation emerging from insta-
18 bility.

19 (f) INTERNATIONAL PRISON CONDITIONS.—Funds
20 appropriated by this Act to carry out the provisions of
21 chapters 1 and 11 of part I and chapter 4 of part II of
22 the Foreign Assistance Act of 1961, and the Support for
23 East European Democracy (SEED) Act of 1989, shall be
24 made available for assistance to address inhumane condi-
25 tions in prisons and other detention facilities administered

1 by foreign governments that the Secretary of State deter-
2 mines are making efforts to address, among other things,
3 prisoners' health, sanitation, nutrition and other basic
4 needs: *Provided*, That the Secretary of State shall des-
5 ignate a Deputy Assistant Secretary of State in the Bu-
6 reau of Democracy, Human Rights and Labor to have pri-
7 mary responsibility for diplomatic efforts related to inter-
8 national prison conditions.

9 (g) EXTENSION OF AUTHORITY.—The Foreign Oper-
10 ations, Export Financing, and Related Programs Appro-
11 priations Act, 1990 (Public Law 101–167) is amended—

12 (1) in section 599D (8 U.S.C. 1157 note)—

13 (A) in subsection (b)(3), by striking “and
14 2008” and inserting “2008, and 2009”; and

15 (B) in subsection (e), by striking “2008”
16 each place it appears and inserting “2009”; and

17 (2) in section 599E (8 U.S.C. 1255 note) in
18 subsection (b)(2), by striking “2008” and inserting
19 “2009”.

20 (h) WORLD FOOD PROGRAM.—Of the funds managed
21 by the Bureau for Democracy, Conflict, and Humanitarian
22 Assistance of the United States Agency for International
23 Development, from this or any other Act, not less than
24 \$10,000,000 shall be made available as a general contribu-

1 tion to the World Food Program, notwithstanding any
2 other provision of law.

3 (i) LIBRARY OF CONGRESS.—Notwithstanding any
4 other provision of law, of the funds appropriated under
5 the heading “Embassy Security, Construction, and Main-
6 tenance”, not less than \$2,000,000 shall be made available
7 for the Capital Security Cost-Sharing fees of the Library
8 of Congress.

9 (j) DISARMAMENT, DEMOBILIZATION AND RE-
10 INTEGRATION.—Notwithstanding any other provision of
11 law, regulation or Executive order, funds appropriated by
12 this Act and prior Acts making appropriations for the De-
13 partment of State, foreign operations, and related pro-
14 grams under the headings “Economic Support Fund”,
15 “Peacekeeping Operations”, “International Disaster As-
16 sistance”, and “Transition Initiatives” should be made
17 available to support programs to disarm, demobilize, and
18 reintegrate into civilian society former members of foreign
19 terrorist organizations: *Provided*, That the Secretary of
20 State shall consult with the Committees on Appropriations
21 prior to the obligation of funds pursuant to this sub-
22 section: *Provided further*, That for the purposes of this
23 subsection the term “foreign terrorist organization”
24 means an organization designated as a terrorist organiza-

1 tion under section 219 of the Immigration and Nationality
2 Act.

3 (k) NONGOVERNMENTAL ORGANIZATIONS.—With re-
4 spect to the provision of assistance for democracy, human
5 rights and governance activities, the organizations imple-
6 menting such assistance and the specific nature of that
7 assistance shall not be subject to the prior approval by
8 the government of any foreign country.

9 (l) PROGRAM FOR RESEARCH AND TRAINING ON
10 EASTERN EUROPE AND THE INDEPENDENT STATES OF
11 THE FORMER SOVIET UNION.—Of the funds appropriated
12 by this Act under the heading, “Economic Support Fund”,
13 not less than \$5,000,000 shall be made available to carry
14 out the Program for Research and Training on Eastern
15 Europe and the Independent States of the Former Soviet
16 Union (title VIII) as authorized by the Soviet-Eastern Eu-
17 ropean Research and Training Act of 1983 (22 U.S.C.
18 4501-4508, as amended).

19 (m) AUTHORITY.—Funds appropriated or otherwise
20 made available by title III of the Department of State,
21 Foreign Operations, and Related Programs Appropria-
22 tions Act, 2008 (division J of Public Law 110–161) under
23 the heading “Economic Support Fund” that are available
24 for a competitively awarded grant for nuclear security ini-

1 tiatives relating to North Korea shall be made available
2 notwithstanding any other provision of law.

3 (n) MIDDLE EAST FOUNDATION.—Funds appro-
4 priated by this Act and prior Acts for a Middle East Foun-
5 dation shall be subject to the regular notification proce-
6 dures of the Committees on Appropriations.

7 (o) GLOBAL FOOD SECURITY.—Notwithstanding any
8 other provision of law, to include minimum funding re-
9 quirements or funding directives, funds made available
10 under the headings “Development Assistance” and “Eco-
11 nomic Support Fund” in this Act and prior Acts making
12 appropriations for the Department of State, foreign oper-
13 ations, and related programs may be made available to
14 address critical food shortages, subject to prior consulta-
15 tion with, and the regular notification procedures of, the
16 Committees on Appropriations.

17 ARAB LEAGUE BOYCOTT OF ISRAEL

18 SEC. 7035. It is the sense of the Congress that—

19 (1) the Arab League boycott of Israel, and the
20 secondary boycott of American firms that have com-
21 mercial ties with Israel, is an impediment to peace
22 in the region and to United States investment and
23 trade in the Middle East and North Africa;

24 (2) the Arab League boycott, which was regret-
25 tably reinstated in 1997, should be immediately and

1 publicly terminated, and the Central Office for the
2 Boycott of Israel immediately disbanded;

3 (3) all Arab League states should normalize re-
4 lations with their neighbor Israel;

5 (4) the President and the Secretary of State
6 should continue to vigorously oppose the Arab
7 League boycott of Israel and find concrete steps to
8 demonstrate that opposition by, for example, taking
9 into consideration the participation of any recipient
10 country in the boycott when determining to sell
11 weapons to said country; and

12 (5) the President should report to Congress an-
13 nually on specific steps being taken by the United
14 States to encourage Arab League states to normalize
15 their relations with Israel to bring about the termi-
16 nation of the Arab League boycott of Israel, includ-
17 ing those to encourage allies and trading partners of
18 the United States to enact laws prohibiting busi-
19 nesses from complying with the boycott and penal-
20 izing businesses that do comply.

21 PALESTINIAN STATEHOOD

22 SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None
23 of the funds appropriated under titles III through VI of
24 this Act may be provided to support a Palestinian state

1 unless the Secretary of State determines and certifies to
2 the appropriate congressional committees that—

3 (1) the governing entity of a new Palestinian
4 state—

5 (A) has demonstrated a firm commitment
6 to peaceful co-existence with the State of Israel;

7 (B) is taking appropriate measures to
8 counter terrorism and terrorist financing in the
9 West Bank and Gaza, including the dismantling
10 of terrorist infrastructures, and is cooperating
11 with appropriate Israeli and other appropriate
12 security organizations; and

13 (2) the Palestinian Authority (or the governing
14 entity of a new Palestinian state) is working with
15 other countries in the region to vigorously pursue ef-
16 forts to establish a just, lasting, and comprehensive
17 peace in the Middle East that will enable Israel and
18 an independent Palestinian state to exist within the
19 context of full and normal relationships, which
20 should include—

21 (A) termination of all claims or states of
22 belligerency;

23 (B) respect for and acknowledgement of
24 the sovereignty, territorial integrity, and polit-
25 ical independence of every state in the area

1 through measures including the establishment
2 of demilitarized zones;

3 (C) their right to live in peace within se-
4 cure and recognized boundaries free from
5 threats or acts of force;

6 (D) freedom of navigation through inter-
7 national waterways in the area; and

8 (E) a framework for achieving a just set-
9 tlement of the refugee problem.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the governing entity should enact a constitution
12 assuring the rule of law, an independent judiciary, and
13 respect for human rights for its citizens, and should enact
14 other laws and regulations assuring transparent and ac-
15 countable governance.

16 (c) WAIVER.—The President may waive subsection
17 (a) if he determines that it is important to the national
18 security interests of the United States to do so.

19 (d) EXEMPTION.—The restriction in subsection (a)
20 shall not apply to assistance intended to help reform the
21 Palestinian Authority and affiliated institutions, or the
22 governing entity, in order to help meet the requirements
23 of subsection (a), consistent with the provisions of section
24 7040 of this Act (“Limitation on Assistance to the Pales-
25 tinian Authority”).

1 RESTRICTIONS CONCERNING THE PALESTINIAN
2 AUTHORITY

3 SEC. 7037. None of the funds appropriated under ti-
4 tles II through VI of this Act may be obligated or ex-
5 pended to create in any part of Jerusalem a new office
6 of any department or agency of the United States Govern-
7 ment for the purpose of conducting official United States
8 Government business with the Palestinian Authority over
9 Gaza and Jericho or any successor Palestinian governing
10 entity provided for in the Israel-PLO Declaration of Prin-
11 ciples: *Provided*, That this restriction shall not apply to
12 the acquisition of additional space for the existing Con-
13 sulate General in Jerusalem: *Provided further*, That meet-
14 ings between officers and employees of the United States
15 and officials of the Palestinian Authority, or any successor
16 Palestinian governing entity provided for in the Israel-
17 PLO Declaration of Principles, for the purpose of con-
18 ducting official United States Government business with
19 such authority should continue to take place in locations
20 other than Jerusalem. As has been true in the past, offi-
21 cers and employees of the United States Government may
22 continue to meet in Jerusalem on other subjects with Pal-
23 estinians (including those who now occupy positions in the
24 Palestinian Authority), have social contacts, and have inci-
25 dental discussions.

1 PROHIBITION ON ASSISTANCE TO THE PALESTINIAN
2 BROADCASTING CORPORATION

3 SEC. 7038. None of the funds appropriated or other-
4 wise made available by this Act may be used to provide
5 equipment, technical support, consulting services, or any
6 other form of assistance to the Palestinian Broadcasting
7 Corporation.

8 ASSISTANCE FOR THE WEST BANK AND GAZA

9 SEC. 7039. (a) OVERSIGHT.—For fiscal year 2009,
10 30 days prior to the initial obligation of funds for the bi-
11 lateral West Bank and Gaza Program, the Secretary of
12 State shall certify to the Committees on Appropriations
13 that procedures have been established to assure the Comp-
14 troller General of the United States will have access to
15 appropriate United States financial information in order
16 to review the uses of United States assistance for the Pro-
17 gram funded under the heading “Economic Support
18 Fund” for the West Bank and Gaza.

19 (b) VETTING.—Prior to the obligation of funds ap-
20 propriated by this Act under the heading “Economic Sup-
21 port Fund” for assistance for the West Bank and Gaza,
22 the Secretary of State shall take all appropriate steps to
23 ensure that such assistance is not provided to or through
24 any individual, private or government entity, or edu-
25 cational institution that the Secretary knows or has reason
26 to believe advocates, plans, sponsors, engages in, or has

1 engaged in, terrorist activity nor, with respect to private
2 entities or educational institutions, those that have as a
3 principal officer of the entity's governing board or gov-
4 erning board of trustees any individual that has been de-
5 termined to be involved in, or advocating terrorist activity
6 or determined to be a member of a designated foreign ter-
7 rorist organization. The Secretary of State shall, as appro-
8 priate, establish procedures specifying the steps to be
9 taken in carrying out this subsection and shall terminate
10 assistance to any individual, entity, or educational institu-
11 tion which she has determined to be involved in or advo-
12 cating terrorist activity.

13 (c) PROHIBITION.—

14 (1) None of the funds appropriated under titles
15 III through VI of this Act for assistance under the
16 West Bank and Gaza Program may be made avail-
17 able for the purpose of recognizing or otherwise hon-
18 oring individuals who commit, or have committed
19 acts of terrorism.

20 (2) Notwithstanding any other provision of law,
21 none of the funds made available by this or prior ap-
22 propriations act, including funds made available by
23 transfer, may be made available for obligation for se-
24 curity assistance for the West Bank and Gaza until
25 the Secretary of State reports to the Committees on

1 Appropriations on the benchmarks that have been
2 established for security assistance for the West
3 Bank and Gaza and reports on the extent of Pales-
4 tinian compliance with such benchmarks.

5 (d) AUDITS.—

6 (1) The Administrator of the United States
7 Agency for International Development shall ensure
8 that Federal or non-Federal audits of all contractors
9 and grantees, and significant subcontractors and
10 sub-grantees, under the West Bank and Gaza Pro-
11 gram, are conducted at least on an annual basis to
12 ensure, among other things, compliance with this
13 section.

14 (2) Of the funds appropriated by this Act up to
15 \$500,000 may be used by the Office of the Inspector
16 General of the United States Agency for Inter-
17 national Development for audits, inspections, and
18 other activities in furtherance of the requirements of
19 this subsection. Such funds are in addition to funds
20 otherwise available for such purposes.

21 (e) Subsequent to the certification specified in sub-
22 section (a), the Comptroller General of the United States
23 shall conduct an audit and an investigation of the treat-
24 ment, handling, and uses of all funds for the bilateral
25 West Bank and Gaza Program, including all funds pro-

1 vided as cash transfer assistance, in fiscal year 2009
2 under the heading “Economic Support Fund”. The audit
3 shall address—

4 (1) the extent to which such Program complies
5 with the requirements of subsections (b) and (c),
6 and

7 (2) an examination of all programs, projects,
8 and activities carried out under such Program, in-
9 cluding both obligations and expenditures.

10 (f) Funds made available in this Act for West Bank
11 and Gaza shall be subject to the regular notification proce-
12 dures of the Committees on Appropriations.

13 (g) Not later than 180 days after enactment of this
14 Act, the Secretary of State shall submit a report to the
15 Committees on Appropriations updating the report con-
16 tained in section 2106 of chapter 2 of title II of Public
17 Law 109-13.

18 LIMITATION ON ASSISTANCE FOR THE PALESTINIAN

19 AUTHORITY

20 SEC. 7040. (a) PROHIBITION OF FUNDS.—None of
21 the funds appropriated by this Act to carry out the provi-
22 sions of chapter 4 of part II of the Foreign Assistance
23 Act of 1961 may be obligated or expended with respect
24 to providing funds to the Palestinian Authority.

25 (b) WAIVER.—The prohibition included in subsection
26 (a) shall not apply if the President certifies in writing to

1 the Speaker of the House of Representatives, the Presi-
2 dent pro tempore of the Senate, and the Committees on
3 Appropriations that waiving such prohibition is important
4 to the national security interests of the United States.

5 (c) PERIOD OF APPLICATION OF WAIVER.—Any
6 waiver pursuant to subsection (b) shall be effective for no
7 more than a period of 6 months at a time and shall not
8 apply beyond 12 months after the enactment of this Act.

9 (d) REPORT.—Whenever the waiver authority pursu-
10 ant to subsection (b) is exercised, the President shall sub-
11 mit a report to the Committees on Appropriations detail-
12 ing the justification for the waiver, the purposes for which
13 the funds will be spent, and the accounting procedures in
14 place to ensure that the funds are properly disbursed. The
15 report shall also detail the steps the Palestinian Authority
16 has taken to arrest terrorists, confiscate weapons and dis-
17 mantle the terrorist infrastructure.

18 (e) CERTIFICATION.—If the President exercises the
19 waiver authority under subsection (b), the Secretary of
20 State must certify and report to the Committees on Ap-
21 propriations prior to the obligation of funds that the Pal-
22 estinian Authority has established a single treasury ac-
23 count for all Palestinian Authority financing and all fi-
24 nancing mechanisms flow through this account, no parallel
25 financing mechanisms exist outside of the Palestinian Au-

1 thority treasury account, and there is a single comprehen-
2 sive civil service roster and payroll.

3 (f) PROHIBITION.—

4 (1) None of the funds appropriated in titles III
5 through VI of this Act may be obligated for salaries
6 of personnel of the Palestinian Authority located in
7 Gaza or may be obligated or expended for assistance
8 to Hamas or any entity effectively controlled by
9 Hamas or any power-sharing government of which
10 Hamas is a member unless the President certifies in
11 writing and reports to the Committees on Appropria-
12 tions that Hamas has accepted and is complying
13 with the principles contained in section
14 620K(b)(1)(A) and (B) of the Foreign Assistance
15 Act of 1961, as amended.

16 (2) None of the funds appropriated under titles
17 III through VI of this Act may be obligated for as-
18 sistance for the Palestine Liberation Organization.

19 BROADCASTING TRANSPARENCY

20 SEC. 7041. (a) Of the funds appropriated in this Act
21 under the heading “International Broadcasting Oper-
22 ations” for Middle East Broadcasting Networks, 10 per-
23 cent of the funds shall not be available for obligation until
24 the Broadcasting Board of Governors reports to the Com-
25 mittee on Appropriations on—

1 (b) MATCHING REQUIREMENT.—The terms and con-
2 ditions of section 1402(e)(1), (2), (3) and (4) of Public
3 Law 110–252 shall apply to assistance for Iraq in fiscal
4 year 2009.

5 (c) TRANSITION PLAN.—Not later than 180 days
6 after enactment of this Act, the Secretary of State, in con-
7 sultation with relevant United States Government agen-
8 cies, shall submit to the Committees on Appropriations a
9 report, in classified form if necessary, that details the
10 plans, costs and timelines associated with the transition
11 of programs and activities funded under titles III through
12 VI of this Act and prior Acts making appropriations for
13 the Department of State, foreign operations, and related
14 programs to the Government of Iraq.

15 (d) BASE RIGHTS.—None of the funds made avail-
16 able in this Act may be used by the Government of the
17 United States to enter into a permanent basing rights
18 agreement between the United States and Iraq.

19 REPORT ON IRAN SANCTIONS

20 SEC. 7043. Not later than 180 days after enactment
21 of this Act, the Secretary of State shall submit a report
22 to the Committees on Appropriations on the status of mul-
23 tilateral and bilateral United States sanctions against Iran
24 and actions taken by the United States and the inter-
25 national community to enforce sanctions against Iran. The

1 report, which may be submitted in classified form if nec-
2 essary, shall include the following:

3 (1) A list of all current United States bilateral
4 and multilateral sanctions against Iran;

5 (2) A list of all United States and foreign reg-
6 istered entities which the Secretary of State has rea-
7 son to believe may be in violation of existing United
8 States bilateral and multilateral sanctions;

9 (3) A detailed description of United States ef-
10 forts to enforce sanctions, including a list of all in-
11 vestigations that have resulted in a determination
12 that a sanctions violation has occurred and United
13 States government actions taken pursuant to the de-
14 termination;

15 (4) In the instances when sanctions were
16 waived or otherwise not imposed against entities
17 that were determined to have violated United States
18 bilateral or multilateral sanctions, the reason in each
19 instance of why action was not taken to sanction the
20 entity; and

21 (5) A description of United States diplomatic
22 efforts to expand bilateral and multilateral sanctions
23 against Iran and strengthen international efforts to
24 enforce existing sanctions.

Initiated in the 12 months preceding
the enactment of this Act

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1 LEBANON

2 SEC. 7044. (a) Funds appropriated under the head-
3 ing "Foreign Military Financing Program" in this Act for
4 assistance for Lebanon shall be made available only to pro-
5 fessionalize the Lebanese Armed Forces and to strengthen
6 border security and combat terrorism, including training
7 and equipping the Lebanese Armed Forces to secure Leb-
8 anon's borders, interdicting arms shipments, preventing
9 the use of Lebanon as a safe haven for terrorist groups
10 and implementing United Nations Security Council Reso-
11 lution 1701.

12 (b) None of the funds in subsection (a) may be made
13 available for obligation until after the ~~Department~~ of State *Secretary*
14 provides the Committees on Appropriations a detailed
15 spending plan, which shall include a strategy for profes-
16 sionalizing the Lebanese Armed Forces, strengthening
17 border security and combating terrorism in Lebanon.

18 WESTERN HEMISPHERE

19 SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the
20 funds appropriated by this Act not less than \$10,000,000
21 from "Development Assistance" and not less than
22 \$10,000,000 from "Economic Support Fund" shall be
23 made available for labor and environmental capacity build-
24 ing activities relating to the free trade agreements with
25 countries of Central America, Peru and the Dominican
26 Republic.

1 (b) HAITI.—

2 (1) The Government of Haiti shall be eligible to
3 purchase defense articles and services under the
4 Arms Export Control Act (22 U.S.C. 2751 et seq.),
5 for the Coast Guard.

6 (2) Of the funds appropriated by this Act under
7 titles III and IV, not less than \$251,126,000 shall
8 be made available for assistance for Haiti.

9 (3) None of the funds made available by this
10 Act under the heading “International Narcotics Con-
11 trol and Law Enforcement” may be used to transfer
12 excess weapons, ammunition or other lethal property
13 of an agency of the United States Government to
14 the Government of Haiti for use by the Haitian Na-
15 tional Police until the Secretary of State reports to
16 the Committees on Appropriations that any mem-
17 bers of the Haitian National Police who have been
18 credibly alleged to have committed serious crimes,
19 including drug trafficking and violations of inter-
20 nationally recognized human rights, have been sus-
21 pended.

22 (c) DOMINICAN REPUBLIC.—Of the funds appro-
23 priated by this Act that are available for assistance for
24 the Dominican Republic, not less than \$5,000,000 shall
25 be made available for basic health care, nutrition, sanita-

1 tion, education, and shelter for migrant workers and other
2 residents of batey communities.

3 (d) ASSISTANCE FOR GUATEMALA.—

4 (1) Funds appropriated by this Act under the
5 heading “International Military Education and
6 Training” (IMET) that are available for assistance
7 for Guatemala, other than for expanded IMET, may
8 be made available only for the Guatemalan Air
9 Force, Navy and Army Corps of Engineers: *Pro-*
10 *vided*, That assistance for the Army Corps of Engi-
11 neers shall only be available for training to improve
12 disaster response capabilities and to participate in
13 international peacekeeping operations: *Provided fur-*
14 *ther*, That such funds may be made available only if
15 the Secretary of State certifies that the Air Force,
16 Navy and Army Corps of Engineers are respecting
17 internationally recognized human rights and cooper-
18 ating with civilian judicial investigations and pros-
19 ecutions of current and retired military personnel
20 who have been credibly alleged to have committed
21 violations of ~~internationally recognized human~~ (such
22 rights, and with the International Commission
23 Against Impunity in Guatemala (CICIG) by grant-
24 ing access to CICIG personnel, providing evidence to
25 CICIG, and allowing witness testimony.

1 (2) Of the funds appropriated by this Act under
2 the heading “Foreign Military Financing Program”,
3 not more than \$500,000 may be made available for
4 the Guatemalan Air Force, Navy and Army Corps of
5 Engineers: *Provided*, That assistance for the Army
6 Corps of Engineers shall only be available for train-
7 ing to improve disaster response capabilities and to
8 participate in international peacekeeping operations:
9 *Provided further*, That such funds may be made
10 available only if the Secretary of State certifies that
11 the Air Force, Navy and Army Corps of Engineers
12 are respecting internationally recognized human
13 rights and cooperating with civilian judicial inves-
14 tigations and prosecutions of current and retired
15 military personnel who have been credibly alleged to
16 have committed violations of ~~internationally recog-~~ (such
17 ~~nized human~~ rights, including protecting and pro-
18 viding to the Attorney General’s office all military
19 archives pertaining to the internal armed conflict,
20 and cooperating with the CICIG by granting access
21 to CICIG personnel, providing evidence to CICIG,
22 and allowing witness testimony.

23 (e) ASSISTANCE FOR MEXICO.—Of the funds appro-
24 priated under the headings “International Narcotics Con-
25 trol and Law Enforcement”, “Foreign Military Financing

1 Program”, and “Economic Support Fund” in this Act, not
2 more than \$300,000,000 may be made available for assist-
3 ance for Mexico, only to combat drug trafficking and re-
4 lated violence and organized crime, and for judicial re-
5 form, institution building, anti-corruption, and rule of law
6 activities, of which not less than \$75,000,000 shall be used
7 for judicial reform, institution building, anti-corruption,
8 and rule of law activities: *Provided*, That none of the funds
9 made available under this section shall be made available
10 for budget support or as cash payments.

11 (1) ALLOCATION OF FUNDS.—Fifteen percent
12 of the funds made available under this section in
13 this Act, for assistance for Mexico, not including as-
14 sistance for judicial reform, institution building,
15 anti-corruption, and rule of law activities, may not
16 be obligated until the Secretary of State reports in
17 writing to the Committees on Appropriations that
18 the Government of Mexico is continuing to—

19 (A) improve the transparency and account-
20 ability of Federal police forces and to work with
21 State and municipal authorities to improve the
22 transparency and accountability of State and
23 municipal police forces through mechanisms in-
24 cluding police complaints commissions with au-

1 thority and independence to receive complaints
2 and carry out effective investigations;

3 (B) conduct regular consultations with
4 Mexican human rights organizations and other
5 relevant Mexican civil society organizations on
6 recommendations for the implementation of the
7 Merida Initiative in accordance with Mexican
8 and international law;

9 (C) ensure that civilian prosecutors and ju-
10 dicial authorities are investigating and pros-
11 ecuting, in accordance with Mexican and inter-
12 national law, members of the Federal police and
13 military forces who have been credibly alleged
14 to have violated internationally recognized
15 human rights, and the Federal police and mili-
16 tary forces are fully cooperating with the inves-
17 tigations; and

18 (D) enforce the prohibition, in accordance
19 with Mexican and international law, on the use
20 of testimony obtained through torture or other
21 ill-treatment.

22 (2) REPORT.—The report required in para-
23 graph (1) shall include a description of actions taken
24 with respect to each requirement.

1 (3) SPENDING PLAN.—Not later than 45 days
2 after the date of enactment of this Act, the Sec-
3 retary of State shall submit to the Committees on
4 Appropriations a detailed spending plan, developed
5 after consulting with relevant Mexican Government
6 authorities, for funds made available for Mexico
7 under this section, with concrete goals, programs
8 and activities to be funded, and anticipated results.

9 (4) ANALYSIS OF ALTERNATIVES.—Prior to the
10 obligation of funds for the procurement or lease of
11 aircraft, the Director of the Defense Security Co-
12 operation Agency, in consultation with the Secretary
13 of State, shall submit to the Committees on Appro-
14 priations an Analysis of Alternatives for the acqui-
15 sition of all aircraft for the Merida Initiative.

16 (f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL
17 AMERICA.—Of the funds appropriated under the headings
18 “International Narcotics Control and Law Enforcement”,
19 “Foreign Military Financing Program”, and “Economic
20 Support Fund”, \$105,000,000 may be made available for
21 assistance for the countries of Central America only to
22 combat drug trafficking and related violence and orga-
23 nized crime, and for judicial reform, institution building,
24 anti-corruption, rule of law activities, and maritime secu-
25 rity, of which not less than \$35,000,000 shall be made

1 available for judicial reform, institution building, anti-cor-
2 ruption, and rule of law activities: *Provided*, That of the
3 funds appropriated under the heading “Economic Support
4 Fund”, \$12,000,000 shall be made available through the
5 United States Agency for International Development for
6 an Economic and Social Development Fund for Central
7 America: *Provided further*, That none of the funds shall
8 be made available for budget support or as cash payments.

9 (1) ALLOCATION OF FUNDS.—Fifteen percent
10 of the funds made available by this Act for assist-
11 ance for the countries of Central America under the
12 headings “International Narcotics Control and Law
13 Enforcement” and “Foreign Military Financing Pro-
14 gram” may not be obligated until the Secretary of
15 State reports in writing to the Committees on Ap-
16 propriations that the government of such country is
17 continuing to—

18 (A) support police complaints commissions
19 with authority and independence to receive com-
20 plaints and carry out effective investigations;

21 (B) implement reforms to improve the ca-
22 pacity and ensure the independence of the judi-
23 ciary; and

24 (C) investigate and prosecute members of
25 the federal police and military forces who have

UC

1 \$545,050,000 shall be available for assistance for Colom-
2 bia.

3 Funds appropriated by this Act and made available
4 to the Department of State for assistance to the Govern-
5 ment of Colombia may be used to support a unified cam-
6 paign against narcotics trafficking and organizations des-
7 igned as Foreign Terrorist Organizations and successor
8 organizations, and to take actions to protect human health
9 and welfare in emergency circumstances, including under-
10 taking rescue operations: *Provided*, That assistance made
11 available in prior Acts for the Government of Colombia
12 to protect the Cano-Limon pipeline may also be used for
13 purposes for which funds are made available under the
14 heading "Andean Counterdrug Programs": *Provided fur-*
15 *ther*, That no United States Armed Forces personnel or
16 United States civilian contractor employed by the United
17 States will participate in any combat operation in connec-
18 tion with assistance made available by this Act for Colom-
19 bia: *Provided further*, That rotary and fixed wing aircraft
20 supported with funds appropriated under the heading
21 "Andean Counterdrug Programs" for assistance for Co-
22 lombia may be used for aerial or manual drug eradication
23 and interdiction including to transport personnel and sup-
24 plies and to provide security for such operations, and to
25 provide transport in support of alternative development

1 programs and investigations of cases under the jurisdic-
2 tion of the Attorney General, the Procuraduria General
3 de la Nacion, and the Defensoria del Pueblo: *Provided fur-*
4 *ther*, That the President shall ensure that if any helicopter
5 procured with funds in this Act or prior Acts making ap-
6 propriations for the Department of State, foreign oper-
7 ations, and related programs, is used to aid or abet the
8 operations of any illegal self-defense group, paramilitary
9 organization, illegal security cooperative or successor orga-
10 nizations in Colombia, such helicopter shall be imme-
11 diately returned to the United States.

12 Of the funds available under the heading "Andean
13 Counterdrug Programs" in this Act for the Colombian na-
14 tional police for the procurement of chemicals for aerial
15 coca and poppy eradication programs, not more than 20
16 percent of such funds may be made available for such
17 eradication programs unless the Secretary of State cer-
18 tifies to the Committees on Appropriations that: (1) the
19 herbicide is being used in accordance with EPA label re-
20 quirements for comparable use in the United States and
21 with Colombian laws; and (2) the herbicide, in the manner
22 it is being used, does not pose unreasonable risks or ad-
23 verse effects to humans or the environment, including en-
24 demic species: *Provided*, That such funds may not be made
25 available unless the Secretary of State certifies to the

1 Committees on Appropriations that complaints of harm to
2 health or licit crops caused by such aerial eradication are
3 thoroughly evaluated and fair compensation is being paid
4 in a timely manner for meritorious claims: *Provided fur-*
5 *ther*, That such funds may not be made available for such
6 purposes unless programs are being implemented by the
7 United States Agency for International Development, the
8 Government of Colombia, or other organizations, in con-
9 sultation and coordination with local communities, to pro-
10 vide alternative sources of income in areas where security
11 permits for small-acreage growers and communities whose
12 illicit crops are targeted for aerial eradication: *Provided*
13 *further*, That none of the funds appropriated by this Act
14 for assistance for Colombia shall be made available for the
15 cultivation or processing of African oil palm, if doing so
16 would contribute to significant loss of native species, dis-
17 rupt or contaminate natural water sources, reduce local
18 food security, or cause the forced displacement of local
19 people: *Provided further*, That funds appropriated by this
20 Act may be used for aerial eradication in Colombia's na-
21 tional parks or reserves only if the Secretary of State cer-
22 tifies to the Committees on Appropriations on a case-by-
23 case basis that there are no effective alternatives and the
24 eradication is conducted in accordance with Colombian
25 laws.

1 (b) ASSISTANCE FOR THE ARMED FORCES.—

2 (1) FUNDING.—Funds appropriated by this Act
3 that are available for assistance for the Colombian
4 Armed Forces, may be made available as follows:

5 (A) Up to 70 percent of such funds may
6 be obligated prior to the certification and report
7 by the Secretary of State pursuant to subpara-
8 graph (B).

9 (B) Up to 15 percent of such funds may
10 be obligated only after the Secretary of State
11 consults with, and subsequently certifies and
12 submits a written report to, the Committees on
13 Appropriations that—

14 (i) The Government of Colombia is
15 suspending, and investigating and pros-
16 ecuting in the civilian justice system, those
17 members of the Colombian Armed Forces,
18 of whatever rank, who have been credibly
19 alleged to have committed violations of
20 internationally recognized human rights,
21 including extra-judicial killings, or to have
22 aided, abetted or benefitted from para-
23 military organizations or successor armed
24 groups, and the Colombian Armed Forces

1 are cooperating fully with civilian prosecu-
2 tors and judicial authorities in such cases.

3 (ii) The Government of Colombia has
4 taken all necessary steps to sever links
5 with paramilitary organizations or suc-
6 cessor armed groups.

7 (iii) The Government of Colombia is
8 dismantling paramilitary networks, includ-
9 ing by arresting and prosecuting under ci-
10 vilian criminal law individuals who have
11 provided financial, planning, or logistical
12 support, or have otherwise aided, abetted
13 or benefitted from paramilitary organiza-
14 tions or successor armed groups, and by
15 returning land and other assets illegally
16 acquired by such organizations or their as-
17 sociates to their rightful occupants or own-
18 ers.

19 (iv) The Government of Colombia is
20 respecting the rights of Colombia's indige-
21 nous and Afro-Colombian communities,
22 and the Colombian Armed Forces are im-
23 plementing procedures to distinguish be-
24 tween civilians, including displaced per-
25 sons, and combatants in their operations.

1 (2) The balance of such funds may be obligated
2 after July 31, 2009, if, prior to such obligation, the
3 Secretary of State consults with, and submits a writ-
4 ten certification to, the Committees on Appropria-
5 tions that the Government of Colombia is continuing
6 to meet the requirements described in paragraph (1)
7 and is conducting vigorous operations to strengthen
8 civilian institutions and respect for internationally
9 recognized human rights in areas under the influ-
10 ence of paramilitary organizations or successor
11 armed groups and guerrilla organizations.

12 (3) CERTAIN FUNDS EXEMPTED.—The require-
13 ment to withhold funds from obligation shall not
14 apply with respect to funds made available under the
15 heading “Andean Counterdrug Programs” in this
16 Act for continued support for the Critical Flight
17 Safety Program or for any alternative development
18 programs in Colombia administered by the Bureau
19 of International Narcotics and Law Enforcement Af-
20 fairs of the Department of State.

21 (4) REPORT.—At the time the Secretary of
22 State submits certifications pursuant to paragraphs
23 (1)(B) and (2) of this subsection, the Secretary shall
24 also submit to the Committees on Appropriations a
25 report that contains, with respect to each such para-

1 graph, a detailed description of the specific actions
2 taken by the ~~Colombian~~ Government and ~~Colombian~~
3 ~~Armed Forces~~, which support each requirement of
4 the certification, and the cases or issues brought to
5 the attention of the Secretary, including through the
6 Department of State's annual Country Reports on
7 Human Rights Practices, for which the actions
8 taken by the Colombian Government or Armed
9 Forces have been determined by the Secretary of
10 State to be inadequate.

11 (c) CONSULTATIVE PROCESS.—Not later than 60
12 days after the date of enactment of this Act, and every
13 180 days thereafter until September 30, 2009, the Sec-
14 retary of State shall consult with Colombian and inter-
15 nationally recognized human rights organizations regard-
16 ing progress in meeting the requirements contained in
17 subsection (b)(1).

18 (d) ASSISTANCE FOR REINTEGRATION OF FORMER
19 COMBATANTS.—

20 (1) AVAILABILITY OF FUNDS.—Of the funds
21 appropriated in this Act under the heading “Eco-
22 nomic Support Fund”, up to \$16,769,000 may be
23 made available in fiscal year 2009 for assistance for
24 the reintegration of former members of foreign ter-
25 rorist organizations (FTOs) or other illegal armed

of Colombia

1 groups in Colombia, if the Secretary of State
2 consults with and makes a certification described in
3 paragraph (2) to the Committees on Appropriations
4 prior to the initial obligation of amounts for such as-
5 sistance for the fiscal year involved.

6 (2) CERTIFICATION.—A certification described
7 in this subsection is a certification that—

8 (A) assistance for the fiscal year will be
9 provided only for individuals who have: (i)
10 verifiably renounced and terminated any affili-
11 ation or involvement with FTOs or other illegal
12 armed groups; (ii) are meeting all the require-
13 ments of the Colombia demobilization program,
14 including having disclosed their involvement in
15 past crimes and their knowledge of the FTO's
16 structure, financing sources, illegal assets, and
17 the location of kidnapping victims and bodies of
18 the disappeared; and (iii) are not involved in
19 criminal activity;

20 (B) the Government of Colombia is pro-
21 viding full cooperation to the Government of the
22 United States to prosecute the extradited lead-
23 ers and members of FTOs who have been in-
24 dicted in the United States for murder, torture,

1 kidnapping, narcotics trafficking, or other viola-
2 tions of United States law;

3 (C) the Government of Colombia is not
4 knowingly taking any steps to legalize the titles
5 of land or other assets illegally obtained and
6 held by FTOs, their associates, or successors,
7 has established effective procedures to identify
8 such land and other assets, and is seizing and
9 returning such land and other assets to their
10 rightful occupants or owners;

11 (D) the Government of Colombia is dis-
12 mantling the organizational structures of ~~for-~~
13 ~~eign terrorist organization~~ and successor armed
14 groups; and

15 (E) funds shall not be made available as
16 cash payments to individuals and are available
17 only for activities under the following cat-
18 egories: verification, reintegration (including
19 training and education), vetting, recovery of as-
20 sets for reparations for victims, and investiga-
21 tions and prosecutions.

22 (e) ILLEGAL ARMED GROUPS.—

23 (1) DENIAL OF VISAS.—Subject to paragraph

24 (2), the Secretary of State shall not issue a visa to

FTOs

1 any alien who the Secretary determines, based on
2 credible evidence—

3 (A) has willfully provided any support to
4 or benefitted from the Revolutionary Armed
5 Forces of Colombia (FARC), the National Lib-
6 eration Army (ELN), the United Self-Defense
7 Forces of Colombia (AUC), or successor armed
8 groups, including taking actions or failing to
9 take actions which allow, facilitate, or otherwise
10 foster the activities of such groups; or

11 (B) has committed, ordered, incited, as-
12 sisted, or otherwise participated in the commis-
13 sion of a violation of internationally recognized
14 human rights, including extra-judicial killings,
15 in Colombia.

16 (2) WAIVER.—Paragraph (1) shall not apply if
17 the Secretary of State certifies to the Committees on
18 Appropriations, on a case-by-case basis, that the
19 issuance of a visa to the alien is necessary to sup-
20 port the peace process in Colombia or for urgent hu-
21 manitarian reasons.

22 (f) DEFINITIONS.—In this section:

23 (1) AIDED OR ABETTED.—The term “aided or
24 abetted” means to provide any support to para-
25 military or successor armed groups, including taking

1 actions which allow, facilitate, or otherwise foster
2 the activities of such groups.

3 (2) PARAMILITARY GROUPS.—The term “para-
4 military groups” means illegal self-defense groups
5 and illegal security cooperatives, including those
6 groups and cooperatives that have formerly demobi-
7 lized but continue illegal operations, as well as parts
8 thereof.

9 (3) FOREIGN TERRORIST ORGANIZATION.—The
10 term “foreign terrorist organization” means an or-
11 ganization designated as a terrorist organization
12 under section 219 of the Immigration and Nation-
13 ality Act.

14 COMMUNITY-BASED POLICE ASSISTANCE

15 SEC. 7047. (a) AUTHORITY.—Funds made available
16 by titles III and IV of this Act to carry out the provisions
17 of chapter 1 of part I and chapters 4 and 6 of part II
18 of the Foreign Assistance Act of 1961, may be used, not-
19 withstanding section 660 of that Act, to enhance the effec-
20 tiveness and accountability of civilian police authority
21 through training and technical assistance in human rights,
22 the rule of law, anti-corruption, strategic planning, and
23 through assistance to foster civilian police roles that sup-
24 port democratic governance including assistance for pro-
25 grams to prevent conflict, respond to disasters, address

1 gender-based violence, and foster improved police relations
2 with the communities they serve.

3 (b) NOTIFICATION.—Assistance provided under sub-
4 section (a) shall be subject to prior consultation with, and
5 the regular notification procedures of, the Committees on
6 Appropriations.

7 PROHIBITION OF PAYMENTS TO UNITED NATIONS

8 MEMBERS

9 SEC. 7048. None of the funds appropriated or made
10 available pursuant to titles III through VI of this Act for
11 carrying out the Foreign Assistance Act of 1961, may be
12 used to pay in whole or in part any assessments, arrear-
13 ages, or dues of any member of the United Nations or,
14 from funds appropriated by this Act to carry out chapter
15 1 of part I of the Foreign Assistance Act of 1961, the
16 costs for participation of another country's delegation at
17 international conferences held under the auspices of multi-
18 lateral or international organizations.

19 WAR CRIMES TRIBUNALS DRAWDOWN

20 SEC. 7049. If the President determines that doing so
21 will contribute to a just resolution of charges regarding
22 genocide or other violations of international humanitarian
23 law, the President may direct a drawdown pursuant to sec-
24 tion 552(e) of the Foreign Assistance Act of 1961 of up
25 to \$30,000,000 of commodities and services for the United
26 Nations War Crimes Tribunal established with regard to

1 the former Yugoslavia by the United Nations Security
2 Council or such other tribunals or commissions as the
3 Council may establish or authorize to deal with such viola-
4 tions, without regard to the ceiling limitation contained
5 in paragraph (2) thereof: *Provided*, That the determina-
6 tion required under this section shall be in lieu of any de-
7 terminations otherwise required under section 552(c): *Pro-*
8 *vided further*, That funds made available for tribunals
9 other than the International Criminal Tribunal for the
10 former Yugoslavia, the International Criminal Tribunal
11 for Rwanda, or the Special Court for Sierra Leone shall
12 be made available subject to the regular notification proce-
13 dures of the Committees on Appropriations.

14 PEACEKEEPING MISSIONS

15 SEC. 7050. None of the funds made available under
16 title I of this Act may be used for any United Nations
17 undertaking when it is made known to the Federal official
18 having authority to obligate or expend such funds that:
19 (1) the United Nations undertaking is a peacekeeping mis-
20 sion; (2) such undertaking will involve United States
21 Armed Forces under the command or operational control
22 of a foreign national; and (3) the President's military advi-
23 sors have not submitted to the President a recommenda-
24 tion that such involvement is in the national interests of
25 the United States and the President has not submitted
26 to the Congress such a recommendation.

1 PEACEKEEPING ASSESSMENT

2 SEC. 7051. Section 404(b)(2)(B) of the Foreign Re-
3 lations Authorization Act, Fiscal Years 1994 and 1995,
4 (22 U.S.C. 287e note) is amended by deleting subsection
5 (v) and inserting in lieu thereof:

6 “(v) For assessments made during each of the cal-
7 endar years 2005, 2006, 2007, 2008, and 2009, 27.1 per-
8 cent.”.

9 UNITED NATIONS HUMAN RIGHTS COUNCIL

10 SEC. 7052. (a) None of the funds appropriated by
11 this Act may be made available for a United States con-
12 tribution to the United Nations Human Rights Council.

13 (b) The prohibition under subsection (a) shall not
14 apply if—

15 (1) the Secretary of State certifies to the Com-
16 mittees on Appropriations that the provision of
17 funds to support the United Nations Human Rights
18 Council is in the national interest of the United
19 States; or

20 (2) the United States is a member of the
21 Human Rights Council.

22 ATTENDANCE AT INTERNATIONAL CONFERENCES

23 SEC. 7053. None of the funds made available in this
24 Act may be used to send or otherwise pay for the attend-
25 ance of more than 50 employees of agencies or depart-
26 ments of the United States Government who are stationed

1 in the United States, at any single international con-
2 ference occurring outside the United States, unless the
3 Secretary of State reports to the Committees on Appro-
4 priations that such attendance is in the national interest:
5 *Provided*, That for purposes of this section the term
6 “international conference” shall mean a conference at-
7 tended by representatives of the United States Govern-
8 ment and of foreign governments, international organiza-
9 tions, or nongovernmental organizations.

10 RESTRICTIONS ON UNITED NATIONS DELEGATIONS

11 SEC. 7054. None of the funds made available under
12 title I of this Act may be used to pay expenses for any
13 United States delegation to any specialized agency, body,
14 or commission of the United Nations if such commission
15 is chaired or presided over by a country, the government
16 of which the Secretary of State has determined, for pur-
17 poses of section 6(j)(1) of the Export Administration Act
18 of 1979 (50 U.S.C. App. 2405(j)(1)), supports inter-
19 national terrorism.

20 PARKING FINES AND REAL PROPERTY TAXES OWED BY

21 FOREIGN GOVERNMENTS

22 SEC. 7055. (a) Subject to subsection (c), of the funds
23 appropriated under titles III through VI by this Act that
24 are made available for assistance for a foreign country,
25 an amount equal to 110 percent of the total amount of
26 the unpaid fully adjudicated parking fines and penalties

1 and unpaid property taxes owed by the central government
2 of such country shall be withheld from obligation for as-
3 sistance for the central government of such country until
4 the Secretary of State submits a certification to the Com-
5 mittees on Appropriations stating that such parking fines
6 and penalties and unpaid property taxes are fully paid.

7 (b) Funds withheld from obligation pursuant to sub-
8 section (a) may be made available for other programs or
9 activities funded by this Act, after consultation with and
10 subject to the regular notification procedures of the Com-
11 mittees on Appropriations, provided that no such funds
12 shall be made available for assistance for the central gov-
13 ernment of a foreign country that has not paid the total
14 amount of the fully adjudicated parking fines and pen-
15 alties and unpaid property taxes owed by such country.

16 (c) Subsection (a) shall not include amounts that
17 have been withheld under any other provision of law.

18 (d)(1) The Secretary of State may waive the require-
19 ments set forth in subsection (a) with respect to parking
20 fines and penalties no sooner than 60 days from the date
21 of enactment of this Act, or at any time with respect to
22 a particular country, if the Secretary determines that it
23 is in the national interests of the United States to do so.

24 (2) The Secretary of State may waive the require-
25 ments set forth in subsection (a) with respect to the un-

1 paid property taxes if the Secretary of State determines
2 that it is in the national interests of the United States
3 to do so.

4 (e) Not later than 6 months after the initial exercise
5 of the waiver authority in subsection (d), the Secretary
6 of State, after consultations with the City of New York,
7 shall submit a report to the Committees on Appropriations
8 describing a strategy, including a timetable and steps cur-
9 rently being taken, to collect the parking fines and pen-
10 alties and unpaid property taxes and interest owed by na-
11 tions receiving foreign assistance under this Act.

12 (f) In this section:

13 (1) The term “fully adjudicated” includes cir-
14 cumstances in which the person to whom the vehicle
15 is registered—

16 (A)(i) has not responded to the parking
17 violation summons; or

18 (ii) has not followed the appropriate adju-
19 dication procedure to challenge the summons;
20 and

21 (B) the period of time for payment of or
22 challenge to the summons has lapsed.

23 (2) The term “parking fines and penalties”
24 means parking fines and penalties—

25 (A) owed to—

1 (i) the District of Columbia; or
2 (ii) New York, New York; and
3 (B) incurred during the period April 1,
4 1997; through September 30, 2008.

5 (3) The term “unpaid property taxes” means
6 the amount of unpaid taxes and interest determined
7 to be owed by a foreign country on real property in
8 the District of Columbia or New York, New York in
9 a court order or judgment entered against such
10 country by a court of the United States or any State
11 or subdivision thereof.

12 LANDMINES AND CLUSTER MUNITIONS

13 SEC. 7056. (a) LANDMINES.—Notwithstanding any
14 other provision of law, demining equipment available to
15 the United States Agency for International Development
16 and the Department of State and used in support of the
17 clearance of landmines and unexploded ordnance for hu-
18 manitarian purposes may be disposed of on a grant basis
19 in foreign countries, subject to such terms and conditions
20 as the President may prescribe.

21 (b) CLUSTER MUNITIONS.—No military assistance
22 shall be furnished for cluster munitions, no defense export
23 license for cluster munitions may be issued, and no cluster
24 munitions or cluster munitions technology shall be sold or
25 transferred, unless—

1 (1) the submunitions of the cluster munitions
2 have a 99 percent or higher functioning rate; and

3 (2) the agreement applicable to the assistance,
4 transfer, or sale of the cluster munitions or cluster
5 munitions technology specifies that the cluster muni-
6 tions will only be used against clearly defined mili-
7 tary targets and will not be used where civilians are
8 known to be present.

9 MILLENNIUM CHALLENGE CORPORATION

10 SEC. 7057. (a) The Chief Executive Officer of the
11 Millennium Challenge Corporation shall, not later than 45
12 days after enactment of this Act, submit to the Committee
13 on Appropriations a report on the proposed uses, on a
14 country-by-country basis, of all funds appropriated under
15 the heading “Millennium Challenge Corporation” in this
16 Act or prior Acts making appropriations for the Depart-
17 ment of State, foreign operations, and related programs
18 projected to be obligated and expended in fiscal year 2009
19 and subsequent fiscal years.

20 (b) The report required in paragraph (a) shall be up-
21 dated on a semi-annual basis and shall include, at a min-
22 imum, a description of—

23 (1) compacts in development, including the sta-
24 tus of negotiations and the approximate range of
25 value of the proposed compact;

1 (2) compacts in implementation, including the
2 projected expenditure and disbursement of compact
3 funds during fiscal year 2009 and subsequent fiscal
4 years as determined by the country compact;

5 (3) threshold country programs in development,
6 including the approximate range of value of the
7 threshold country agreement;

8 (4) major programmatic changes to existing
9 compacts funded by this Act or prior Acts making
10 appropriations for the Department of State, foreign
11 operations, and related programs;

12 (5) threshold country programs in implementa-
13 tion; and

14 (6) use of administrative funds.

15 (c) The Chief Executive Officer of the Millennium
16 Challenge Corporation shall notify the Committees on Ap-
17 propriations not later than 15 days prior to signing any
18 new country compact or new threshold country program;
19 terminating or suspending any country compact or thresh-
20 old country program; or commencing negotiations for any
21 new compact or threshold country program.

22 LIMITATION ON RESIDENCE EXPENSES

23 SEC. 7058. Of the funds appropriated or made avail-
24 able pursuant to title II of this Act, not to exceed
25 \$100,500 shall be for official residence expenses of the

1 United States Agency for International Development dur-
2 ing the current fiscal year: *Provided*, That appropriate
3 steps shall be taken to assure that, to the maximum extent
4 possible, United States-owned foreign currencies are uti-
5 lized in lieu of dollars.

6 UNITED STATES AGENCY FOR INTERNATIONAL
7 DEVELOPMENT MANAGEMENT
8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 7059. (a) AUTHORITY.—Up to \$81,000,000 of
10 the funds made available in title III of this Act to carry
11 out the provisions of part I of the Foreign Assistance Act
12 of 1961, including funds appropriated under the heading
13 “Assistance for Europe, Eurasia and Central Asia”, may
14 be used by the United States Agency for International De-
15 velopment (USAID) to hire and employ individuals in the
16 United States and overseas on a limited appointment basis
17 pursuant to the authority of sections 308 and 309 of the
18 Foreign Service Act of 1980.

19 (b) RESTRICTIONS.—

20 (1) The number of individuals hired in any fis-
21 cal year pursuant to the authority contained in sub-
22 section (a) may not exceed 175.

23 (2) The authority to hire individuals contained
24 in subsection (a) shall expire on September 30,
25 2010.

1 (c) CONDITIONS.—The authority of subsection (a)
2 may only be used to the extent that an equivalent number
3 of positions that are filled by personal services contractors
4 or other non-direct hire employees of USAID, who are
5 compensated with funds appropriated to carry out part I
6 of the Foreign Assistance Act of 1961, including funds
7 appropriated under the heading “Assistance for Europe,
8 Eurasia and Central Asia”, are eliminated.

9 (d) PRIORITY SECTORS.—In exercising the authority
10 of this section, primary emphasis shall be placed on ena-
11 bling USAID to meet personnel positions in technical skill
12 areas currently encumbered by contractor or other non-
13 direct hire personnel.

14 (e) CONSULTATIONS.—The USAID Administrator
15 shall consult with the Committees on Appropriations at
16 least on a quarterly basis concerning the implementation
17 of this section.

18 (f) PROGRAM ACCOUNT CHARGED.—The account
19 charged for the cost of an individual hired and employed
20 under the authority of this section shall be the account
21 to which such individual’s responsibilities primarily relate.
22 Funds made available to carry out this section may be
23 transferred to, and merged with, funds appropriated by
24 this Act in title II under the heading “Operating Ex-
25 penses”.

1 (g) FOREIGN SERVICE LIMITED EXTENSIONS.—Indi-
2 viduals hired and employed by USAID, with funds made
3 available in this Act or prior Acts making appropriations
4 for the Department of State, foreign operations, and re-
5 lated programs, pursuant to the authority of section 309
6 of the Foreign Service Act of 1980, may be extended for
7 a period of up to 4 years notwithstanding the limitation
8 set forth in such section.

9 (h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of
10 the funds made available in subsection (a), USAID may
11 use, in addition to funds otherwise available for such pur-
12 poses, up to \$15,000,000 to fund overseas support costs
13 of members of the Foreign Service with a Foreign Service
14 rank of four or below: *Provided*, That such authority is
15 only used to reduce USAID's reliance on overseas personal
16 services contractors or other non-direct hire employees
17 compensated with funds appropriated to carry out part I
18 of the Foreign Assistance Act of 1961, including funds
19 appropriated under the heading "Assistance for Europe,
20 Eurasia and Central Asia".

21 (i) DISASTER SURGE CAPACITY.—Funds appro-
22 priated under title III of this Act to carry out part I of
23 the Foreign Assistance Act of 1961, including funds ap-
24 propriated under the heading "Assistance for Europe,
25 Eurasia and Central Asia", may be used, in addition to

1 funds otherwise available for such purposes, for the cost
2 (including the support costs) of individuals detailed to or
3 employed by USAID whose primary responsibility is to
4 carry out programs in response to natural disasters.

5 (j) TECHNICAL ADVISORS.—Up to \$13,500,000 of
6 the funds made available by this Act in title III for assist-
7 ance under the heading “Global Health and Child Sur-
8 vival”, may be used to reimburse United States Govern-
9 ment agencies, agencies of State governments, institutions
10 of higher learning, and private and voluntary organiza-
11 tions for the full cost of individuals (including for the per-
12 sonal services of such individuals) detailed or assigned to,
13 or contracted by, as the case may be, USAID for the pur-
14 pose of carrying out activities under that heading: *Pro-*
15 *vided*, That up to \$3,500,000 of the funds made available
16 by this Act for assistance under the heading “Develop-
17 ment Assistance” may be used to reimburse such agencies,
18 institutions, and organizations for such costs of such indi-
19 viduals carrying out other development assistance activi-
20 ties.

21 (k) PERSONAL SERVICES CONTRACTORS.—Funds ap-
22 propriated by this Act to carry out chapter 1 of part I,
23 chapter 4 of part II, and section 667 of the Foreign As-
24 sistance Act of 1961, and title II of the Agricultural Trade
25 Development and Assistance Act of 1954, may be used

1 by USAID to employ up to 25 personal services contrac-
2 tors in the United States, notwithstanding any other pro-
3 vision of law, for the purpose of providing direct, interim
4 support for new or expanded overseas programs and ac-
5 tivities managed by the agency until permanent direct hire
6 personnel are hired and trained: *Provided*, That not more
7 than 10 of such contractors shall be assigned to any bu-
8 reau or office: *Provided further*, That such funds appro-
9 priated to carry out title II of the Agricultural Trade De-
10 velopment and Assistance Act of 1954, may be made avail-
11 able only for personal services contractors assigned to the
12 Office of Food for Peace.

13 (I) RECRUITMENT STRATEGY.—Not later than De-
14 cember 31, 2009, the USAID Administrator, after con-
15 sulting with the Secretaries of Defense, Treasury, Agri-
16 culture, Interior, Energy, and Health and Human Serv-
17 ices, the Director of the Centers for Disease Control and
18 Prevention, the Administrator of the Environmental Pro-
19 tection Agency, and the heads of other relevant Federal
20 departments and agencies, shall submit to the Committees
21 on Appropriations a recruitment strategy for current and
22 former employees from such departments and agencies
23 who possess skills and/or overseas experience which would
24 enhance USAID's capacity to carry out its mission: *Pro-*
25 *vided*, That funds made available under the heading "Op-

1 erating Expenses” in title II of this Act may be made
2 available to implement the strategy described in the pre-
3 vious proviso, subject to the regular notification proce-
4 dures of the Committees on Appropriations.

5 (m) HIRING AUTHORITY.—Notwithstanding section
6 307 of the Foreign Service Act of 1980, the USAID Ad-
7 ministrator may hire up to 30 individuals under the Devel-
8 opment Leadership Initiative: *Provided*, That the author-
9 ity contained in ~~the previous proviso~~ shall expire on Sep-
10 tember 30, 2010.

this subsection

11 GLOBAL HEALTH ACTIVITIES

12 SEC. 7060. (a) Funds appropriated by titles III and
13 IV of this Act that are made available for bilateral assist-
14 ance for child survival activities or disease programs in-
15 cluding activities relating to research on, and the preven-
16 tion, treatment and control of, HIV/AIDS may be made
17 available notwithstanding any other provision of law ex-
18 cept for the provisions under the heading “Global Health
19 and Child Survival” and the United States Leadership
20 Against HIV/AIDS, Tuberculosis, and Malaria Act of
21 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amend-
22 ed: *Provided*, That of the funds appropriated under title
23 III of this Act, not less than \$545,000,000 should be made
24 available for family planning/reproductive health.

1 (b) Notwithstanding any other provision of this Act,
2 10 percent of the funds that are appropriated by this Act
3 for a contribution to support the Global Fund to Fight
4 AIDS, Tuberculosis and Malaria (the "Global Fund")
5 shall be withheld from obligation to the Global Fund until
6 the Secretary of State reports to the Committees on Ap-
7 propriations that the Global Fund—

8 (1) is releasing incremental disbursements only
9 if grantees demonstrate progress against clearly de-
10 fined performance indicators; and

11 (2) is implementing a reporting system that
12 breaks down grantee budget allocations by pro-
13 grammatic activity.

14 DEVELOPMENT GRANTS PROGRAM

15 SEC. 7061. Of the funds appropriated by this Act
16 under the heading "Development Assistance", not less
17 than \$40,000,000 shall be made available for the Develop-
18 ment Grants Program established pursuant to section 674
19 of the Department of State, Foreign Operations, and Re-
20 lated Programs Appropriations Act (division J of Public
21 Law 110-161): *Provided*, That funds made available
22 under this section are in addition to other funds available
23 for such purposes including funds designated by this Act
24 by section 7065.

6, 2008

1 WOMEN IN DEVELOPMENT

2 SEC. 7062. (a) Programs funded under title III of
3 this Act should include, where appropriate, gender consid-
4 erations in the planning, assessment, implementation,
5 monitoring and evaluation of such programs.

6 (b) Funds made available under title III of this Act
7 should be made available to support programs to enhance
8 economic opportunities for poor women in developing
9 countries, including increasing the number and capacity
10 of women-owned enterprises, improving property rights for
11 women, increasing access to financial services, and im-
12 proving women's ability to participate in the global econ-
13 omy.

14 GENDER-BASED VIOLENCE

15 SEC. 7063. (a) Funds appropriated under the head-
16 ings "Development Assistance" and "Economic Support
17 Fund" in this Act shall be made available for programs
18 to address sexual and gender-based violence.

19 (b) Programs and activities funded under titles III
20 and IV of this Act that provide training for foreign police,
21 judicial, and military officials shall address, where appro-
22 priate, gender-based violence.

23 EDUCATION

24 SEC. 7064. (a) BASIC EDUCATION.—

1 (1) Of the funds appropriated by title III of
2 this Act and by prior Acts for fiscal year 2009, not
3 less than \$700,000,000 should be made available for
4 assistance for basic education, of which not less than
5 \$400,000,000 shall be made available under the
6 heading "Development Assistance".

7 (2) There shall continue to be a Coordinator of
8 United States government actions to provide basic
9 education assistance in developing countries as es-
10 tablished in section 664 of Public Law 110-161.

(division J of

11 (3) Funds appropriated for basic education in
12 this Act shall be made available for a pilot program
13 in three countries to develop and evaluate the effec-
14 tiveness and implementation of a 5-year basic edu-
15 cation strategic plan.

16 (b) HIGHER EDUCATION.—Of the funds appropriated
17 by title III of this Act and by prior Acts for fiscal year
18 2009, not less than \$133,000,000 shall be made available
19 for higher education ~~programs~~.

assistance
for

20 RECONCILIATION PROGRAMS

21 SEC. 7065. Of the funds appropriated under the
22 headings "Development Assistance" and "Economic Sup-
23 port Fund" in this Act, \$25,000,000 shall be made avail-
24 able for reconciliation programs which bring together and
25 facilitate interaction between individuals of different eth-
26 nic, religious and political backgrounds from areas of civil

1 conflict and war, of which ~~not more than~~ \$9,000,000 shall
2 be made available for such programs in the Middle East:
3 *Provided*, That the Administrator of the United States
4 Agency for International Development shall consult with
5 the Committees on Appropriations, prior to the initial obli-
6 gation of funds, on the most effective uses of such funds.

7 COMPREHENSIVE EXPENDITURES REPORT

8 SEC. 7066. Not later than 180 days after the date
9 of enactment of this Act, the Secretary of State shall sub-
10 mit a report to the Committees on Appropriations detail-
11 ing the total amount of United States Government ex-
12 penditures in fiscal years 2007 and 2008, by Federal
13 agency, for assistance programs and activities in each for-
14 eign country, identifying the line item as presented in the
15 President's Budget Appendix and the purpose for which
16 the funds were provided: *Provided*, That if required, infor-
17 mation may be submitted in classified form.

18 REQUESTS FOR DOCUMENTS

19 SEC. 7067. None of the funds appropriated or made
20 available pursuant to titles III through VI of this Act shall
21 be available to a nongovernmental organization, including
22 any contractor, which fails to provide upon timely request
23 any document, file, or record necessary to the auditing re-
24 quirements of the United States Agency for International
25 Development.

1 SENIOR POLICY OPERATING GROUP

2 SEC. 7068. (a) The Senior Policy Operating Group
3 on Trafficking in Persons, established under section
4 105(f) of the Victims of Trafficking and Violence Protec-
5 tion Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency
6 activities regarding policies (including grants and grant
7 policies) involving the international trafficking in persons,
8 shall coordinate all such policies related to the activities
9 of traffickers and victims of severe forms of trafficking.

10 (b) None of the funds provided under title I of this
11 or any other Act making appropriations for Department
12 of State ~~and Related Agencies~~ shall be expended to per-
13 form functions that duplicate coordinating responsibilities
14 of the Operating Group.

15 (c) The Operating Group shall continue to report only
16 to the authorities that appointed them pursuant to section
17 105(f).

18 PROHIBITION ON USE OF TORTURE

19 SEC. 7069. None of the funds made available in this
20 Act shall be used in any way whatsoever to support or
21 justify the use of torture, cruel or inhumane treatment
22 by any official or contract employee of the United States
23 Government.

(, foreign operations, and related programs)

(the

e

1 AFRICA

2 SEC. 7070. (a) EXPANDED INTERNATIONAL MILI-
3 TARY EDUCATION AND TRAINING.—

4 (1) Funds appropriated under the heading
5 “International Military Education and Training” in
6 this Act that are made available for assistance for
7 Angola, Cameroon, Central African Republic, Chad,
8 Cote D’Ivoire, and Guinea may be made available
9 only for expanded international military education
10 and training.

11 (2) None of the funds appropriated under the
12 heading “International Military Education and
13 Training” in this Act may be made available for as-
14 sistance for Equatorial Guinea.

15 (b)(1) SUDAN LIMITATION ON ASSISTANCE.—Subject
16 to subsection (2):

17 (A) Notwithstanding any other provision of law,
18 none of the funds appropriated by this Act may be
19 made available for assistance for the Government of
20 Sudan.

21 (B) None of the funds appropriated by this Act
22 may be made available for the cost, as defined in
23 section 502, of the Congressional Budget Act of
24 1974, of modifying loans and loan guarantees held
25 by the Government of Sudan, including the cost of

1 selling, reducing, or canceling amounts owed to the
2 United States, and modifying concessional loans,
3 guarantees, and credit agreements.

4 (2) Subsection (b)(1) shall not apply if the Secretary
5 of State determines and certifies to the Committees on Ap-
6 propriations that:

7 (A) The Government of Sudan honors its
8 pledges to cease attacks upon civilians and disarms
9 and demobilizes the Janjaweed and other govern-
10 ment-supported militias.

11 (B) The Government of Sudan and all govern-
12 ment-supported militia groups are honoring their
13 commitments made in all previous cease-fire agree-
14 ments.

15 (C) The Government of Sudan is allowing
16 unimpeded access to Darfur to humanitarian aid or-
17 ganizations, the human rights investigation and hu-
18 manitarian teams of the United Nations, including
19 protection officers, and an international monitoring
20 team that is based in Darfur and has the support
21 of the United States.

22 (3) EXCEPTIONS.—The provisions of subsection
23 (b)(1) shall not apply to—

24 (A) humanitarian assistance;

1 (B) assistance for the Darfur region, Southern
2 Sudan, Southern Kordofan/Nuba Mountains State,
3 Blue Nile State, and Abyei; and

4 (C) assistance to support implementation of the
5 Comprehensive Peace Agreement and the Darfur
6 Peace Agreement or any other internationally-recog-
7 nized viable peace agreement in Sudan.

8 (4) DEFINITIONS.—For the purposes of this Act, the
9 term “Government of Sudan” shall not include the Gov-
10 ernment of Southern Sudan.

11 (5) Notwithstanding any other law, assistance in this
12 Act may be made available to the Government of Southern
13 Sudan to provide non-lethal military assistance, military
14 education and training, and defense services controlled
15 under the International Traffic in Arms Regulations (22
16 CRF 120.1 et seq.) if the Secretary of State—

17 (A) determines that the provision of such items
18 is in the national interest of the United States; and

19 (B) not later than 15 days before the provision
20 of any such assistance, notifies the Committees on
21 Appropriations of such determination.

22 (c) HORN OF AFRICA AND PAN SAHEL PROGRAM.—
23 Funds appropriated under the heading “Economic Sup-
24 port Fund” in this Act that are made available for pro-
25 grams and activities to counter extremism in the Horn of

1 Africa and the Pan Sahel region of Africa, shall be admin-
2 istered by the United States Agency for International De-
3 velopment, and are in addition to funds otherwise made
4 available for such purposes.

5 (d) WAR CRIMES IN AFRICA.—

6 (1) The Congress reaffirms its support for the
7 efforts of the International Criminal Tribunal for
8 Rwanda (ICTR) and the Special Court for Sierra
9 Leone (SCSL) to bring to justice individuals respon-
10 sible for war crimes and crimes against humanity in
11 a timely manner.

12 (2) Funds appropriated by this Act, including
13 funds for debt restructuring, may be made available
14 for assistance ~~to~~ for the central government of a country
15 in which individuals indicted by ICTR and SCSL are
16 credibly alleged to be living, if the Secretary of State
17 determines and reports to the Committees on Appro-
18 priations that such government is cooperating with
19 ICTR and SCSL, including the surrender and trans-
20 fer of indictees in a timely manner: *Provided*, That
21 this subsection shall not apply to assistance provided
22 under section 551 of the Foreign Assistance Act of
23 1961 or to project assistance under title VI of this
24 Act: *Provided further*, That the United States shall
25 use its voice and vote in the United Nations Security

1 Council to fully support efforts by ICTR and SCSL
2 to bring to justice individuals indicted by such tribu-
3 nals in a timely manner.

4 (3) The prohibition in subsection (2) may be
5 waived on a country by country basis if the Presi-
6 dent determines that doing so is in the national se-
7 curity interest of the United States: *Provided*, That
8 prior to exercising such waiver authority, the Presi-
9 dent shall submit a report to the Committees on Ap-
10 propriations, in classified form if necessary, on—

11 (A) the steps being taken to obtain the co-
12 operation of the government in surrendering the
13 indictee in question to the court of jurisdiction;

14 (B) a strategy, including a timeline, for
15 bringing the indictee before such court; and

16 (C) the justification for exercising the
17 waiver authority.

18 (e) ZIMBABWE.—

19 (1) The Secretary of the Treasury shall instruct
20 the United States executive director to each inter-
21 national financial institution to vote against any ex-
22 tension by the respective institution of any loans to
23 the Government of Zimbabwe, except to meet basic
24 human needs or to promote democracy, unless the
25 Secretary of State determines and reports in writing

1 to the Committees on Appropriations that the rule
2 of law has been restored in Zimbabwe, including re-
3 spect for ownership and title to property, freedom of
4 speech and association, and a transition government
5 has been established that reflects the will of the peo-
6 ple as they voted in the March 2008 elections.

7 (2) None of the funds appropriated by this Act
8 shall be made available for assistance for the central
9 government of Zimbabwe unless the Secretary of
10 State makes the determination pursuant to sub-
11 section (e)(1).

12 ASIA

13 SEC. 7071. (a) TIBET.—

14 (1) The Secretary of the Treasury should in-
15 struct the United States executive director to each
16 international financial institution to use the voice
17 and vote of the United States to support projects in
18 Tibet if such projects do not provide incentives for
19 the migration and settlement of non-Tibetans into
20 Tibet or facilitate the transfer of ownership of Ti-
21 betan land and natural resources to non-Tibetans;
22 are based on a thorough needs-assessment; foster
23 self-sufficiency of the Tibetan people and respect Ti-
24 betan culture and traditions; and are subject to ef-
25 fective monitoring.

1 (2) Notwithstanding any other provision of law,
2 not less than \$7,300,000 of the funds appropriated
3 by this Act under the heading “Economic Support
4 Fund” should be made available to nongovernmental
5 organizations to support activities which preserve
6 cultural traditions and promote sustainable develop-
7 ment and environmental conservation in Tibetan
8 communities in the Tibetan Autonomous Region and
9 in other Tibetan communities in China.

10 (b) BURMA.—

11 (1) The Secretary of the Treasury shall instruct
12 the United States executive director to each appro-
13 priate international financial institution in which the
14 United States participates, to oppose and vote
15 against the extension by such institution any loan or
16 financial or technical assistance or any other utiliza-
17 tion of funds of the respective bank to and for
18 Burma.

19 (2) Of the funds appropriated by this Act under
20 the heading “Economic Support Fund”, not less
21 than \$15,000,000 shall be made available to support
22 democracy activities in Burma, along the Burma-
23 Thailand border, for activities of Burmese student
24 groups and other organizations located outside
25 Burma, and for the purpose of supporting the provi-

1 sion of humanitarian assistance to displaced Bur-
2 mese along Burma's borders: *Provided*, That such
3 funds may be made available notwithstanding any
4 other provision of law: *Provided further*, That in ad-
5 dition to assistance for Burmese refugees provided
6 under the heading "Migration and Refugee Assist-
7 ance" in this Act, not less than \$4,000,000 shall be
8 made available for community-based organizations
9 operating in Thailand to provide food, medical and
10 other humanitarian assistance to internally displaced
11 persons in eastern Burma: *Provided further*, That
12 funds made available under this paragraph shall be
13 subject to the regular notification procedures of the
14 Committees on Appropriations.

15 (c) INDONESIA.—

16 (1) Of the funds appropriated by this Act under
17 the heading "Foreign Military Financing Program",
18 not to exceed \$15,700,000 shall be made available
19 for assistance for Indonesia, of which \$2,000,000
20 shall be made available only after the Secretary of
21 State submits to the Committees on Appropriations
22 the report on Indonesia detailed in the explanatory
23 statement described in section 4 (in the matter pre-
24 ceding division A of this consolidated Act) under
25 such heading.

1 (2) Of the funds appropriated by this Act under
2 the heading “Economic Support Fund” that are
3 available for assistance for Indonesia, not less than
4 \$300,000 should be made available for grants for ca-
5 pacity building of Indonesian human rights organi-
6 zations, including in Papua.

7 (d) CAMBODIA.—Funds appropriated under the head-
8 ing “Economic Support Fund” in this Act for assistance
9 for Cambodia may be used for an endowment, and shall
10 be made available to strengthen the capacity of the Gov-
11 ernment of Cambodia to combat human trafficking, not-
12 withstanding any other provision of law.

13 (e) NORTH KOREA.—

14 (1) Funds made available under the heading
15 “Migration and Refugee Assistance” in this Act
16 shall be made available for assistance for refugees
17 from North Korea.

18 (2) Of the funds made available under the
19 heading “International Broadcasting Operations” in
20 title I of this Act, not less than \$8,000,000 shall be
21 made available for broadcasts into North Korea.

22 (3) None of the funds made available under the
23 heading “Economic Support Fund” in fiscal year
24 2009 may be made available for obligation for en-
25 ergy-related assistance for North Korea unless the

1 Secretary of State determines and reports to the
2 Committees on Appropriations that North Korea is
3 continuing to fulfill its commitments under the Six
4 Party Talks agreements.

5 (f) PEOPLE'S REPUBLIC OF CHINA.—

6 (1) Notwithstanding any other provision of law
7 and subject to the regular notification procedures of
8 the Committees on Appropriations, of the funds ap-
9 propriated under the heading "Development Assist-
10 ance" in this Act, not less than \$11,000,000 shall
11 be made available to United States educational insti-
12 tutions and nongovernmental organizations for pro-
13 grams and activities in the People's Republic of
14 China relating to the environment, governance and
15 the rule of law.

16 (2) None of the funds appropriated under the
17 heading "Diplomatic and Consular Programs" in
18 this Act may be obligated or expended for processing
19 licenses for the export of satellites of United States
20 origin (including commercial satellites and satellite
21 components) to the People's Republic of China un-
22 less, at least 15 days in advance, the Committees on
23 Appropriations are notified of such proposed action.

24 (3) Not later than 180 days after enactment of
25 this Act, the Secretary of State shall submit a report

1 to the Committees on Appropriations detailing, to
2 the extent practicable, the amount of assistance pro-
3 vided by the People's Republic of China to govern-
4 ments and entities in Latin America and Africa dur-
5 ing the previous calendar year, and shall make such
6 report publicly available in a timely manner on the
7 website of the Department of State and the United
8 States Agency for International Development in
9 English and Mandarin.

10 (4) Of the funds appropriated under the head-
11 ing "Diplomatic and Consular Programs" in this
12 Act, \$1,000,000 shall be made available to the Bu-
13 reau of International Information Programs to dis-
14 seminate information, in Mandarin, in the People's
15 Republic of China: *Provided*, That such information
16 shall include issues of governance, transparency, cor-
17 ruption, rule of law, and the environment, and the
18 findings of the report required by paragraph (3) of
19 this subsection, and shall be disseminated through
20 the Internet, text messaging or other means, and di-
21 rected to economically depressed areas of the Peo-
22 ple's Republic of China: *Provided further*, That such
23 funds are in addition to funds otherwise made avail-
24 able for such purposes: *Provided further*, That the
25 Department of State shall consult with the Commit-

1 tees on Appropriations prior to the initial obligation
2 of funds made available by this subsection.

3 (5) The terms and requirements of section
4 620(h) of the Foreign Assistance Act of 1961 shall
5 apply to foreign assistance projects or activities of
6 the People's Liberation Army (PLA) of the People's
7 Republic of China, to include such projects or activi-
8 ties by any entity that is owned or controlled by, or
9 an affiliate of, the PLA: *Provided*, That none of the
10 funds appropriated or otherwise made available pur-
11 suant to this Act may be used to finance any grant,
12 contract, or cooperative agreement with the PLA, or
13 any entity that the Secretary of State has reason to
14 believe is owned or controlled by, or an affiliate of,
15 the PLA.

16 (g) PHILIPPINES.—Of the funds appropriated by this
17 Act under the heading “Foreign Military Financing Pro-
18 gram”, not to exceed \$30,000,000 may be made available
19 for assistance for the Philippines, of which \$2,000,000
20 may not be obligated until the Secretary of State reports
21 in writing to the Committees on Appropriations that—

22 (1) the Government of the Philippines is taking
23 effective steps to implement the recommendations of
24 the United Nations Special Rapporteur on
25 Extrajudicial, Summary or Arbitrary Executions, to

1 include prosecutions and convictions for extrajudicial
 2 executions; sustaining the decline in the number of
 3 extrajudicial executions; addressing allegations of a
 4 death squad in Davao City; and strengthening gov-
 5 ernment institutions working to eliminate
 6 extrajudicial executions;

7 (2) the Government of the Philippines is imple-
 8 menting a policy of promoting military personnel
 9 who demonstrate professionalism and respect for
 10 human rights, and is investigating and prosecuting
 11 military personnel and others who have been credibly
 12 alleged to have violated ~~internationally recognized~~ *internationally*
 13 ~~human~~ rights; and *(such*

14 (3) the Philippine Armed Forces do not have a
 15 policy of, and are not engaging in, acts of intima-
 16 tion or violence against members of legal organiza-
 17 tions who advocate for human rights.

18 (h) VIETNAM.—Notwithstanding any other provision
 19 of law, funds appropriated under the heading “Develop-
 20 ment Assistance” in this Act may be made available for
 21 programs and activities in the central highlands of Viet-
 22 nam, and shall be made available for environmental reme-
 23 diation and related health activities in Vietnam.

24 SERBIA

25 SEC. 7072. (a) Funds appropriated by this Act may
 26 be made available for assistance for the central Govern-

1 ment of Serbia after May 31, 2009, if the President has
2 made the determination and certification contained in sub-
3 section (c).

4 (b) After May 31, 2009, the Secretary of the Treas-
5 ury should instruct the United States executive directors
6 to the international financial institutions to support loans
7 and assistance to the Government of Serbia subject to the
8 conditions in subsection (c).

9 (c) The determination and certification referred to in
10 subsection (a) is a determination and a certification by
11 the President to the Committees on Appropriations that
12 the Government of Serbia is—

13 (1) cooperating with the International Criminal
14 Tribunal for the former Yugoslavia including access
15 for investigators, the provision of documents, timely
16 information on the location, movement, and sources
17 of financial support of indictees, and the surrender
18 and transfer of indictees or assistance in their ap-
19 prehension, including Ratko Mladic;

20 (2) taking steps that are consistent with the
21 Dayton Accords to end Serbian financial, political,
22 security and other support which has served to
23 maintain separate Republika Srpska institutions;
24 and

1 (3) taking steps to implement policies which re-
2 flect a respect for minority rights and the rule of
3 law.

4 (d) This section shall not apply humanitarian assist-
5 ance or assistance to promote democracy.

6 INDEPENDENT STATES OF THE FORMER SOVIET UNION

7 SEC. 7073. (a) None of the funds appropriated under
8 the heading "Assistance for Europe, Eurasia and Central
9 Asia" shall be made available for assistance for a govern-
10 ment of an Independent State of the former Soviet Union
11 if that government directs any action in violation of the
12 territorial integrity or national sovereignty of any other
13 Independent State of the former Soviet Union, such as
14 those violations included in the Helsinki Final Act: *Pro-*
15 *vided*, That such funds may be made available without re-
16 gard to the restriction in this subsection if the President
17 determines that to do so is in the national security interest
18 of the United States.

19 (b) Funds appropriated under the heading "Assist-
20 ance for Europe, Eurasia and Central Asia" for the Rus-
21 sian Federation, Armenia, Kazakhstan, and Uzbekistan
22 shall be subject to the regular notification procedures of
23 the Committees on Appropriations.

24 (c)(1) Of the funds appropriated under the heading
25 "Assistance for Europe, Eurasia and Central Asia" that

1 are allocated for assistance for the Government of the
2 Russian Federation, 60 percent shall be withheld from ob-
3 ligation until the President determines and certifies in
4 writing to the Committees on Appropriations that the Gov-
5 ernment of the Russian Federation—

6 (A) has terminated implementation of arrange-
7 ments to provide Iran with technical expertise, train-
8 ing, technology, or equipment necessary to develop a
9 nuclear reactor, related nuclear research facilities or
10 programs, or ballistic missile capability; and

11 (B) is providing full access to international non-
12 government organizations providing humanitarian
13 relief to refugees and internally displaced persons in
14 Chechnya.

15 (2) Paragraph (1) shall not apply to—

16 (A) assistance to combat infectious diseases,
17 child survival activities, or assistance for victims of
18 trafficking in persons; and

19 (B) activities authorized under title V (Non-
20 proliferation and Disarmament Programs and Ac-
21 tivities) of the FREEDOM Support Act.

22 (d) Section 907 of the FREEDOM Support Act shall
23 not apply to—

24 (1) activities to support democracy or assist-
25 ance under title V of the FREEDOM Support Act

1 and section 1424 of Public Law 104–201 or non-
2 proliferation assistance;

3 (2) any assistance provided by the Trade and
4 Development Agency under section 661 of the For-
5 eign Assistance Act of 1961 (22 U.S.C. 2421);

6 (3) any activity carried out by a member of the
7 United States and Foreign Commercial Service while
8 acting within his or her official capacity;

9 (4) any insurance, reinsurance, guarantee or
10 other assistance provided by the Overseas Private
11 Investment Corporation under title IV of chapter 2
12 of part I of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2191 et seq.);

14 (5) any financing provided under the Export-
15 Import Bank Act of 1945; or

16 (6) humanitarian assistance.

17 REPRESSSION IN THE RUSSIAN FEDERATION

18 SEC. 7074. (a) None of the funds appropriated under
19 the heading “Assistance for Europe, Eurasia and Central
20 Asia” in this Act may be made available for the Govern-
21 ment of the Russian Federation, after 180 days from the
22 date of the enactment of this Act, unless the President
23 determines and certifies in writing to the Committees on
24 Appropriations that the Government of the Russian Fed-
25 eration: (1) has implemented no statute, Executive order,

1 regulation or similar government action that would dis-
2 criminate, or which has as its principal effect discrimina-
3 tion, against religious groups or religious communities in
4 the Russian Federation in violation of accepted inter-
5 national agreements on human rights and religious free-
6 doms to which the Russian Federation is a party; and (2)
7 is (A) honoring its international obligations regarding
8 freedom of expression, assembly, and press, as well as due
9 process; (B) investigating and prosecuting law enforce-
10 ment personnel credibly alleged to have committed human
11 rights abuses against political leaders, activists and jour-
12 nalists; and (C) immediately releasing political leaders, ac-
13 tivists and journalists who remain in detention.

14 (b) The Secretary of State may waive the require-
15 ments of subsection (a) if the Secretary determines that
16 to do so is important to the national interests of the
17 United States.

18 CENTRAL ASIA

19 SEC. 7075. (a) Funds appropriated by this Act may
20 be made available for assistance for the Government of
21 Kazakhstan only if the Secretary of State determines and
22 reports to the Committees on Appropriations that the Gov-
23 ernment of Kazakhstan has made significant improve-
24 ments in the protection of human rights and civil liberties
25 during the preceding 6 month period, including by ful-

1 filling obligations recommended by the Organization for
2 Security and Cooperation in Europe (OSCE) in the areas
3 of election procedures, media freedom, freedom of religion,
4 free assembly and minority rights, and by meeting the
5 commitments it made in connection with its assumption
6 of the Chairmanship of the OSCE in 2010.

7 (b) The Secretary of State may waive subsection (a)
8 if the Secretary determines and reports to the Committees
9 on Appropriations that such a waiver is important to the
10 national security of the United States.

11 (c) Not later than October 1, 2009, the Secretary of
12 State shall submit a report to the Committees on Appro-
13 priations describing the following:

14 (1) The defense articles, defense services, and
15 financial assistance provided by the United States to
16 the countries of Central Asia during the 12-month
17 period ending 30 days prior to submission of such
18 report.

19 (2) The use during such period of defense arti-
20 cles, defense services, and financial assistance pro-
21 vided by the United States by units of the armed
22 forces, border guards, or other security forces of
23 such countries.

1 (d) For purposes of this section, the term “countries
2 of Central Asia” means Uzbekistan, Kazakhstan, Kyrgyz
3 Republic, Tajikistan, and Turkmenistan.

4 UZBEKISTAN

5 SEC. 7076. (a) Funds appropriated by this Act may
6 be made available for assistance for the central Govern-
7 ment of Uzbekistan only if the Secretary of State deter-
8 mines and reports to the Committees on Appropriations
9 that the Government of Uzbekistan is making substantial
10 and continuing progress—

11 (1) in meeting its commitments under the
12 “Declaration on the Strategic Partnership and Co-
13 operation Framework Between the Republic of
14 Uzbekistan and the United States of America”, in-
15 cluding respect for internationally recognized human
16 rights, establishing a genuine multi-party system,
17 and ensuring free and fair elections, freedom of ex-
18 pression, and the independence of the media; and

19 (2) in investigating and prosecuting the individ-
20 uals responsible for the deliberate killings of civilians
21 in Andijan in May 2005.

22 (b) If the Secretary of State has credible evidence
23 that any current or former official of the Government of
24 Uzbekistan was responsible for the deliberate killings of
25 civilians in Andijan in May 2005, or for other violations

1 of internationally recognized human rights in Uzbekistan,
2 not later than 6 months after enactment of this Act any
3 person identified by the Secretary pursuant to this sub-
4 section shall be ineligible for admission to the United
5 States.

6 (c) The restriction in subsection (b) shall cease to
7 apply if the Secretary determines and reports to the Com-
8 mittees on Appropriations that the Government of
9 Uzbekistan has taken concrete and measurable steps to
10 improve respect for internationally recognized human
11 rights, including allowing peaceful political and religious
12 expression, releasing imprisoned human rights defenders,
13 and implementing recommendations made by the United
14 Nations on torture.

15 (d) The Secretary may waive the application of sub-
16 section (b) if the Secretary determines that admission to
17 the United States is necessary to attend the United Na-
18 tions or to further United States law enforcement objec-
19 tives.

20 (e) For the purpose of this section "assistance" shall
21 include excess defense articles.

22 AFGHANISTAN

23 SEC. 7077. Of the funds appropriated under titles III
24 and IV of this Act, not less than \$1,041,950,000 should
25 be made available for assistance for Afghanistan, of which

1 not less than \$100,000,000 shall be made available to sup-
2 port programs that directly address the needs of Afghan
3 women and girls, including for the Afghan Independent
4 Human Rights Commission, the Afghan Ministry of Wom-
5 en's Affairs, and for women-led nonprofit organizations in
6 Afghanistan.

7
8 ENTERPRISE FUNDS

8 SEC. 7078. (a) Prior to the distribution of any assets
9 resulting from any liquidation, dissolution, or winding up
10 of an Enterprise Fund, in whole or in part, the President
11 shall submit to the Committees on Appropriations, in ac-
12 cordance with the regular notification procedures of the
13 Committees on Appropriations, a plan for the distribution
14 of the assets of the Enterprise Fund.

15 (b) Funds made available under titles III through VI
16 of this Act for Enterprise Funds shall be expended at the
17 minimum rate necessary to make timely payment for
18 projects and activities and shall be subject to the regular
19 notification procedures of the Committees on Appropria-
20 tions.

21 UNITED NATIONS POPULATION FUND

22 SEC. 7079. (a) CONTRIBUTION.—Of the funds made
23 available under the headings “International Organizations
24 and Programs” and “Global Health and Child Survival”
25 in this Act for fiscal year 2009, \$50,000,000 shall be

1 made available for the United Nations Population Fund
2 (UNFPA), of which not ~~less~~ than \$30,000,000 shall be
3 derived from funds appropriated under the heading
4 “International Organizations and Programs”.

(more)

5 (b) AVAILABILITY OF FUNDS.—Funds appropriated
6 by this Act for UNFPA, that are not made available be-
7 cause of the operation of any provision of law, shall be
8 made available to UNFPA notwithstanding any such pro-
9 vision of law, subject to the regular notification procedures
10 of the Committees on Appropriations, only for the fol-
11 lowing purposes and subject to the provisions of this sec-
12 tion—

13 (1) provide and distribute equipment, medicine,
14 and supplies, including safe delivery kits and hygiene
15 kits, to ensure safe childbirth and emergency obstet-
16 ric care;

17 (2) make available supplies of contraceptives for
18 the prevention of unintended pregnancies and the
19 spread of sexually transmitted infections, including
20 HIV/AIDS;

21 (3) prevent and treat cases of obstetric fistula;

22 (4) reestablish maternal health services in areas
23 where medical infrastructure and such services have
24 been destroyed or limited by natural disasters,
25 armed conflict, or other factors;

1 (5) promote abandonment of female genital mu-
2 tilation and cutting and child marriage; and

3 (6) promote access to basic services, including
4 clean water, sanitation facilities, food, and health
5 care, for poor women and girls.

6 (c) PROHIBITION ON USE OF FUNDS IN CHINA.—

7 None of the funds made available ~~under~~ ^{by} this Act may be
8 used by UNFPA for a country program in the People's
9 Republic of China.

10 (d) CONDITIONS ON AVAILABILITY OF FUNDS.—

11 Funds made available by this Act for UNFPA may be
12 made available if—

13 (1) UNFPA maintains funds made available by
14 this Act in an account separate from other accounts
15 of UNFPA and does not commingle such funds with
16 other sums; and

17 (2) UNFPA does not fund abortions.

18 (e) REPORT TO CONGRESS AND WITHOLDING OF

19 FUNDS.—

20 (1) Not later than ~~sixty~~ ⁶⁰ days after the date of
21 enactment of this Act, the Secretary of State shall
22 submit a report to the Committees on Appropria-
23 tions indicating the amount of funds that the
24 UNFPA is budgeting for the year in which the re-

1 port is submitted for a country program in the Peo-
2 ple's Republic of China.

3 (2) If the report under this subparagraph indi-
4 cates that the UNFPA plans to spend funds for a
5 country program in the People's Republic of China
6 in the year covered by the report, then the amount
7 of such funds the UNFPA plans to spend in the
8 People's Republic of China shall be deducted from
9 the funds made available to the UNFPA after
10 March 1 for obligation for the remainder of the fis-
11 cal year in which the report is submitted.

12 PROHIBITION ON PUBLICITY OR PROPAGANDA

13 SEC. 7080. No part of any appropriation contained
14 in this Act shall be used for publicity or propaganda pur-
15 poses within the United States not authorized before the
16 date of the enactment of this Act by the Congress: *Pro-*
17 *vided*, That not to exceed \$25,000 may be made available
18 to carry out the provisions of section 316 of Public Law
19 96-533.

20 OPIC

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 7081. (a) AUTHORITY.—Notwithstanding sec-
23 tion 235(a)(2) of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2195(a)(2)), the authority of subsections (a)
25 through (c) of section 234 of such Act shall remain in
26 effect through September 30, 2009.

1 (b) FUNDING.—Whenever the President determines
2 that it is in furtherance of the purposes of the Foreign
3 Assistance Act of 1961, up to a total of \$20,000,000 of
4 the funds appropriated under title III of this Act may be
5 transferred to, and merged with, funds appropriated by
6 this Act for the Overseas Private Investment Corporation
7 Program Account, to be subject to the terms and condi-
8 tions of that account: *Provided*, That such funds shall not
9 be available for administrative expenses of the Overseas
10 Private Investment Corporation: *Provided further*, That
11 designated funding levels in this Act shall not be trans-
12 ferred pursuant to this section: *Provided further*, That the
13 exercise of such authority shall be subject to the regular
14 notification procedures of the Committees on Appropria-
15 tions.

16

EXTRADITION

17 SEC. 7082. (a) None of the funds appropriated in this
18 Act may be used to provide assistance (other than funds
19 provided under the headings “International Narcotics
20 Control and Law Enforcement”, “Migration and Refugee
21 Assistance”, “Emergency Migration and Refugee Assist-
22 ance”, and “Nonproliferation, Anti-terrorism, Demining
23 and Related Assistance”) for the central government of
24 a country which has notified the Department of State of
25 its refusal to extradite to the United States any individual

1 indicted for a criminal offense for which the maximum
2 penalty is life imprisonment without the possibility of pa-
3 role or for killing a law enforcement officer, as specified
4 in a United States extradition request.

5 (b) Subsection (a) shall only apply to the central gov-
6 ernment of a country with which the United States main-
7 tains diplomatic relations and with which the United
8 States has an extradition treaty and the government of
9 that country is in violation of the terms and conditions
10 of the treaty.

11 (c) The Secretary of State may waive the restriction
12 in subsection (a) on a case-by-case basis if the Secretary
13 certifies to the Committees on Appropriations that such
14 waiver is important to the national interests of the United
15 States.

16 ENERGY AND ENVIRONMENT

17 SEC. 7083. (a) CLEAN ENERGY.—Of the funds ap-
18 propriated by title III of this Act, not less than
19 \$100,000,000 shall be made available to the United States
20 Agency for International Development (USAID), in addi-
21 tion to funds otherwise made available for such purposes,
22 for programs and activities that reduce global warming by
23 promoting the sustainable use of renewable energy tech-
24 nologies and energy efficient end-use technologies, carbon
25 sequestration, and carbon accounting.

1 (b) CLIMATE CHANGE ADAPTATION.—Of the funds
2 appropriated by this Act, up to \$10,000,000 shall be made
3 available for a United States contribution to the Least De-
4 veloped Countries Fund to support grants for climate
5 change adaptation programs and activities, if the Global
6 Environment Facility makes publicly available on its
7 website an annual report detailing the criteria used to de-
8 termine which programs and activities receive funds, the
9 manner in which such programs and activities meet such
10 criteria, the extent of local involvement in such programs
11 and activities, the amount of funds provided, and the re-
12 sults achieved.

13 (c) BIODIVERSITY.—Of the funds appropriated by
14 title III of this Act and by prior Acts for fiscal year 2009,
15 not less than \$195,000,000 shall be made available for
16 programs and activities which directly protect biodiversity,
17 including tropical forests and wildlife, in developing coun-
18 tries, of which not less than \$25,000,000 shall be made
19 available for USAID's ~~Initiative for~~ Conservation in the

Basin

20 ~~Andean~~ Amazon: *Provided*, That of the funds made avail-
21 able under this paragraph, not less than \$17,500,000 shall
22 be made available for the Congo Basin Forest Partnership
23 of which not less than \$2,500,000 shall be made available
24 to the United States Fish and Wildlife Service for con-
25 servation programs in Africa: *Provided further*, That funds

lc

programs

1 appropriated by this Act to carry out the provisions of sec-
2 tions 103 through 106, and chapter 4 of part II, of the
3 Foreign Assistance Act of 1961 may be used, notwith-
4 standing any other provision of law, for the purpose of
5 supporting tropical forestry and biodiversity conservation
6 activities and energy programs aimed at reducing green-
7 house gas emissions: *Provided further*, That funds appro-
8 priated under the heading "Development Assistance" may
9 be made available as a contribution to the Galapagos
10 Invasive Species Fund.

11 (d)(1) EXTRACTION OF NATURAL RESOURCES.—The
12 Secretary of the Treasury shall inform the managements
13 of the international financial institutions and the public
14 that it is the policy of the United States to oppose any
15 assistance by such institutions (including but not limited
16 to any loan, credit, grant, or guarantee) for the extraction
17 and export of oil, gas, coal, timber, or other natural re-
18 source unless the government of the country has in place
19 functioning systems for: (i) accurately accounting for pay-
20 ments for companies involved in the extraction and export
21 of natural resources; (ii) the independent auditing of ac-
22 counts receiving such payments and the widespread public
23 dissemination of the findings of such audits; and (iii)
24 verifying government receipts against company payments
25 including widespread dissemination of such payment infor-

1 mation, and disclosing such documents as Host Govern-
2 ment Agreements, Concession Agreements, and bidding
3 documents, allowing in any such dissemination or disclo-
4 sure for the redaction of, or exceptions for, information
5 that is commercially proprietary or that would create com-
6 petitive disadvantage.

7 (2) Not later than 180 days after the enactment of
8 this Act, the Secretary of the Treasury shall submit a re-
9 port to the Committees on Appropriations describing, for
10 each international financial institution, the amount and
11 type of assistance provided, by country, for the extraction
12 and export of oil, gas, coal, timber, or other natural re-
13 sources in the preceeding 12 months, and whether each
14 institution considered, in its proposal for such assistance,
15 the extent to which the country has functioning systems
16 described in paragraph (1).

17 PROHIBITION ON PROMOTION OF TOBACCO

18 SEC. 7084. None of the funds provided by this Act
19 shall be available to promote the sale or export of tobacco
20 or tobacco products, or to seek the reduction or removal
21 by any foreign country of restrictions on the marketing
22 of tobacco or tobacco products, except for restrictions
23 which are not applied equally to all tobacco or tobacco
24 products of the same type.

1 COMMERCIAL LEASING OF DEFENSE ARTICLES

2 SEC. 7085. Notwithstanding any other provision of
3 law, and subject to the regular notification procedures of
4 the Committees on Appropriations, the authority of sec-
5 tion 23(a) of the Arms Export Control Act may be used
6 to provide financing to Israel, Egypt and NATO and
7 major non-NATO allies for the procurement by leasing
8 (including leasing with an option to purchase) of defense
9 articles from United States commercial suppliers, not in-
10 cluding Major Defense Equipment (other than helicopters
11 and other types of aircraft having possible civilian applica-
12 tion), if the President determines that there are compel-
13 ling foreign policy or national security reasons for those
14 defense articles being provided by commercial lease rather
15 than by government-to-government sale under such Act.

16 ANTI-KLEPTOCRACY

17 SEC. 7086. (a) In furtherance of the National Strat-
18 egy to Internationalize Efforts Against Kleptocracy and
19 Presidential Proclamation 7750, the Secretary of State
20 shall compile and maintain a list of officials of foreign gov-
21 ernments and their immediate family members who the
22 Secretary has credible evidence have been involved in cor-
23 ruption relating to the extraction of natural resources in
24 their countries.

1 (b) Any individual on the list compiled under sub-
2 section (a) shall be ineligible for admission to the United
3 States.

4 (c) The Secretary may waive the application of sub-
5 section (b) if the Secretary determines that admission to
6 the United States is necessary to attend the United Na-
7 tions or to further United States law enforcement objec-
8 tives, or that the circumstances which caused the indi-
9 vidual to be included on the list have changed sufficiently
10 to justify the removal of the individual from the list.

11 (d) Not later than 90 days after enactment of this
12 Act and 180 days thereafter, the Secretary of State shall
13 report in writing, in classified form if necessary, to the
14 Committees on Appropriations describing the evidence of
15 corruption concerning individuals listed pursuant to sub-
16 section (a).

17 TRAINING AND EQUIPMENT REPORTS

18 SEC. 7087. (a) The annual foreign military training
19 report required by section 656 of the Foreign Assistance
20 Act of 1961 shall be submitted by the Secretary of De-
21 fense and the Secretary of State to the Committees on
22 Appropriations by the date specified in that section.

23 (b) Not later than 90 days after enactment of this
24 Act, the Secretary of State, in consultation with other rel-
25 evant United States Government agencies, shall submit to
26 the Committees on Appropriations a report detailing the

1 equipment to be purchased with funds appropriated or
2 otherwise made available under the headings “Andean
3 Counterdrug Programs”, “International Narcotics Control
4 and Law Enforcement”, and “Foreign Military Financing
5 Program” in this Act: *Provided*, That such report shall
6 include a description of the anticipated costs associated
7 with the operation and maintenance of such equipment in
8 subsequent fiscal years: *Provided further*, That for the
9 purposes of this subsection, “equipment” shall be defined
10 as any aircraft, vessel, boat or vehicle.

11 TRANSPARENCY AND ACCOUNTABILITY

12 SEC. 7088. (a) UNITED NATIONS.—Funds made
13 available by this Act shall be made available to continue
14 reform efforts at the United Nations: *Provided*, That not
15 later than September 30, 2009, the Secretary of State
16 shall submit a report to the Committees on Appropriations
17 detailing actions taken by United Nations organizations
18 under the headings “Contributions to International Orga-
19 nizations” and “International Organizations and Pro-
20 grams” to continue reform of United Nations financial
21 management systems and program oversight.

22 (b) WORLD BANK.—Section 668(c)(1) of the Consoli-
23 dated Appropriations Act, 2008 (Public Law 110–161) is
24 amended by striking “that” and inserting “on the extent
25 to which”.

26 (c) NATIONAL BUDGET TRANSPARENCY.—

1 USAID missions to promote the full inclusion and equal
2 participation of people with disabilities in developing coun-
3 tries.

4 (c) The Secretary of State, the Secretary of the
5 Treasury, and the USAID Administrator shall seek to en-
6 sure that, where appropriate, construction projects funded
7 by this Act are accessible to people with disabilities and
8 in compliance with the USAID Policy on Standards for
9 Accessibility for the Disabled, or other similar accessibility
10 standards.

11 (d) Of the funds made available pursuant to sub-
12 section (a), not more than 7 percent may be for manage-
13 ment, oversight and technical support.

14 ORPHANS, DISPLACED AND ABANDONED CHILDREN

15 SEC. 7090. Of the funds appropriated under title III
16 of this Act, \$3,000,000 should be made available for ac-
17 tivities to improve the capacity of foreign government
18 agencies and nongovernmental organizations to prevent
19 child abandonment, address the needs of orphans, dis-
20 placed and abandoned children and provide permanent
21 homes through family reunification, guardianship and do-
22 mestic adoptions: *Provided*, That funds made available
23 under title III of this Act should be made available, as
24 appropriate, consistent with—

25 (1) the goal of enabling children to remain in
26 the care of their family of origin, but when not pos-

1 sible, placing children in permanent homes through
2 adoption;

3 (2) the principle that such placements should be
4 based on informed consent which has not been in-
5 duced by payment or compensation;

6 (3) the view that long-term foster care or insti-
7 tutionalization are not permanent options and
8 should be used when no other suitable permanent
9 options are available; and

10 (4) the recognition that programs that protect
11 and support families can reduce the abandonment
12 and exploitation of children.

13 SRI LANKA

14 SEC. 7091. (a) None of the funds appropriated by
15 this Act under the heading "Foreign Military Financing
16 Program" may be made available for assistance for Sri
17 Lanka, no defense export license may be issued, and no
18 military equipment or technology shall be sold or trans-
19 ferred to Sri Lanka pursuant to the authorities contained
20 in this Act or any other Act, until the Secretary of State
21 certifies to the Committee on Appropriations that—

22 (1) the Sri Lankan military is suspending and
23 the Government of Sri Lanka is bringing to justice
24 members of the military who have been credibly al-
25 leged to have violated human rights or international

(internationally
recognized)

1 humanitarian law, including complicity in the re-
2 cruitment of child soldiers;

3 (2) the Government of Sri Lanka is providing
4 access to humanitarian organizations and journalists
5 throughout the country consistent with international
6 humanitarian law; and

7 (3) the Government of Sri Lanka has agreed to
8 the establishment of a field presence of the Office of
9 the United Nations High Commissioner for Human
10 Rights in Sri Lanka with sufficient staff and man-
11 date to conduct full and unfettered monitoring
12 throughout the country and to publicize its findings.

13 (b) Subsection (a) shall not apply to technology or
14 equipment made available for the limited purposes of mar-
15 itime and air surveillance, including communications
16 equipment previously committed or approved for the lim-
17 ited purposes of air and maritime surveillance.

18 EXPORT-IMPORT BANK RESCISSION

19 (INCLUDING RESCISSIONS)

20 SEC. 7092. (a) Of the funds appropriated under the
21 heading "Subsidy Appropriation" for the Export-Import
22 Bank of the United States that are available for tied-aid
23 grants in prior Acts making appropriations for foreign op-
24 erations, export financing, and related programs,
25 \$17,000,000 are rescinded.

1 (b) Of the unobligated balances available under the
2 heading “Subsidy Appropriation” for the Export-Import
3 Bank of the United States in Public Law 109–102,
4 \$27,000,000 are rescinded.

5 This division may be cited as the “Department of
6 State, Foreign Operations, and Related Programs Approp-
7 riations Act, 2009”.